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**NATIVE PASSENGER VESSELS.**

**ACT No. I. OF 1857.**

*[Passed on the 17th January 1857.]*

*Recites expediency of preventing the over-crowding of native passenger vessels.*

1. *Regulates proportion of native passengers to tonnage in unlicensed vessels.*
2. *Regulates proportion of native passengers to tonnage and space in licensed vessels generally and in vessels plying to Ceylon specially.*
- 3, 4. *Impose fines for breach of sections I. and II*
5. *Prohibits under a penalty the shipping of more than one native passenger for every four tons of burden from any but appointed ports.*
6. *Regulates the grant of licenses to passenger vessels.*
7. *Imposes fine on Master or Tindal, when the vessel is not furnished with provisions and water according to the scale prescribed by Government.*
8. *Imposes fine for wilfully omitting to supply the prescribed allowance to every passenger.*
9. *Imposes fine—in the case of passenger-vessels plying to Ceylon—for omitting to lay in the prescribed supplies.*
10. *Requires a list of all passengers to be signed and delivered to the Government Officer, and to be supplemented if passengers engage after delivery, and authorises Custom's Officer to withhold port clearance till such is furnished.*
11. *Imposes fine for each native passenger brought into the Madras Presidency beyond the regulated proportion.*
12. *Authorises the Customs Officer or his deputy to enter and inspect the vessel at all times.*
13. *States who may impose fines.*
14. *Act to be in force for three years. Schedule alluded to in section X.*

**An Act to prevent the over-crowding of vessels carrying native Passengers in the Bay of Bengal.**

Whereas it is necessary to prevent the over-crowding of vessels carrying native passengers across the Bay of Bengal from and to ports in the Presidency of Fort St. George, and between such ports and Ceylon: It is enacted as follows:—

Preamble

**I. No vessel shall carry native passengers from any port or place under the Presidency of Fort St. George, to any port or place on the Eastern Coast of the Bay of Bengal or in the Straits of Malacca or in Ceylon, in a proportion greater than one passenger to every four tons of the burden of such vessel, without a license.**

Number of native passengers to be carried in unlicensed vessels.

**II. No vessel shall be licensed to carry passengers on any such voyage as aforesaid, in a proportion greater than one passenger to every ton of burden, nor unless the vessel has space on a deck or platform under hatches reserved for the accommodation of the passengers in the proportion of six superficial feet for every passenger, with not less than five feet clear between the upper deck and the lower deck or platform; except a vessel proceeding in ballast from any part of the Coast of the Gulf of Manar or Palks' Strait to any port or place in Ceylon, which may be licensed to carry a number of passengers not exceeding the proportion of two and-a-half to every ton of her burden, provided that the whole of the space usually allotted for cargo and not occupied by ballast be kept for the accommodation of the passengers, and for storing the provisions and water for their use, and that the space left clear for the accommodation of the passengers on the deck or decks of the vessel be not less than four superficial feet for each passenger.**

Number of native passengers to be carried in licensed vessels generally.

And in licensed vessels sailing in ballast from certain parts of the Coast to Ceylon.

**III. The Master or Tindal of any vessel which shall carry passengers on any such voyage as aforesaid without a license, in a proportion exceeding that laid down in Section I, shall be liable to a fine not exceeding two hundred rupees.**

Penalty on Master of unlicensed vessel.

**IV. The Master or Tindal of any licensed vessel which shall carry on any such voyage a greater number of passengers than is specified in the license, or in which the accommodation therein required shall not be afforded, shall be liable to a fine not exceeding twenty rupees for each passenger in excess of such number, or for each passenger who is not provided with accommodation agreeably to the license.**

Penalty on Master of licensed vessel.

V. Passengers in a greater number than one passenger to every four tons of the burden of any vessel shall

Government to appoint ports for shipment of passengers, where the number of passengers to be carried is greater than one to every four tons of burden.

not be shipped from the territories under the Government of Fort St. George, for Ceylon or the Eastern Coast of the Bay of Bengal, or the Straits of Malacca, except from such ports as shall be from time to time appointed by

the Government by an Order in Council, published in the *Fort St George Gazette*; and the Master or Tindal of any vessel who shall take on board passengers for such voyage from any other port or place in a greater proportion to the burden of the vessel than is above-mentioned shall be liable to a fine not exceeding twenty rupees for each passenger embarked.

VI. It shall be at the discretion of the Collectors of Sea

Grant of license to vessels.

Customs for the ports appointed for shipping, native passengers, or such other persons as the Government of Fort St. George may

from time to time appoint for the purpose, to grant licenses to vessels under this Act. Provided that such licenses shall not be granted, except for vessels within the exception in Section II. till the vessels have been surveyed according to such directions as shall be given from time to time by the Governor in Council. The license shall describe the vessel, her tonnage, and rig; the number of her boats, anchors, and cables; and what instruments for the purpose of navigation she is supplied with; also the name of the owner and of the Master or Tindal, and the number and composition of the crew: and shall specify the number of passengers she may carry, and the space to be assigned for their accommodation.

VII. The Master or Tindal of any vessel licensed to carry

Certain licensed passenger vessels to carry provision according to appointed scale.

passengers from any port in the territories under the Government of Fort St. George to any port or place on the Eastern Coast of the Bay of Bengal or the Straits of Malacca,

which shall proceed on such voyage not being furnished with provisions and water according to such scale as shall be laid down from time to time by an order of Government, published in the *Fort St George Gazette*, shall be liable to a fine not exceeding

twenty rupees for each passenger in excess of the number fully supplied with provisions and water according to such scale.

VIII. The Master or Tindal of any vessel licensed to carry passengers as aforesaid, who shall wilfully and without satisfactory excuse omit to supply to every passenger the prescribed allowance of food and water, shall be liable for such omission to a fine which may extend to twenty rupees for every passenger who has suffered privation thereby.

Penalty for omitting to supply passengers with prescribed allowance of food and water.

IX. The Master or Tindal of any vessel licensed to carry passengers from any port under the Government of Fort St. George to Ceylon, who shall proceed on such voyage without having laid in a supply of water and provisions for the passengers according to a scale to be fixed by the Collector of Sea Customs for such port, or such other person as the Government of Fort St. George may from time to time appoint for the purpose, which shall be hung up at the Custom House of the port, shall be liable to a fine not exceeding one hundred rupees.

Supply of provisions on board passenger ships plying to and from Ceylon.

X. The Master or Tindal of any vessel licensed to carry passengers as herein-before provided, shall sign and deliver in duplicate to the principal Officer of Customs at the place of embarkation, or such other person as the Government of Fort St. George may from time to time appoint for the purpose, a list according to the form annexed to this Act, of all passengers to be conveyed in such vessel; and such officer, after satisfying himself of the correctness of the same, and that the number of passengers authorized is not exceeded, shall countersign and return one such list to the Master or Tindal, to be produced to the proper officer at the port to which the vessel is bound; and should any additional passengers engage to proceed by such vessel after such list has been so countersigned, the Master or Tindal may insert their names in the original list, obtaining the signature of the controlling officer as before. The officer in charge of the Customs may withhold the port clearance till this rule is complied with.

List of Passengers to be signed by Master.

Additional Passengers.

XI. If any vessel, bringing native passengers into any port

Penalty for bringing native passengers into any port in the Madras Presidency in excess of authorised proportion.

or place whatsoever within the said territories from any port or place on the Eastern Coast of the Bay of Bengal or in the straits of Malacca or in Ceylon, shall have on board a greater number of passengers than in the proportion prescribed in this Act for vessels licensed to carry passengers from the said territories, the Master or Tindal of such vessel shall be liable to a penalty of twenty rupees for each passenger in excess of such proportion.

XII. The principal officer in charge of the Customs at the place of embarkation or of importation, or any person authorized by him, shall be at liberty at all times to enter and inspect any passenger vessel, and the fittings, provisions, and stores therein; and whoever impedes such entry or inspection, or refuses to allow of the same, shall be liable to a fine not exceeding fifty rupees.

XIII. The fines authorized by this Act may be imposed by any Magistrate, Joint Magistrate, or other person lawfully exercising the powers of a Magistrate, or by any Justice of the Peace having jurisdiction at any place in the possession and under the Government of the East India Company.

Levy of fines.

Duration of Act.

XIV. This Act shall continue in force for three years.

### SCHEDULE.

FORM.

1	2	3	4	5	6	7
Name of Vessel	Name of Master	Tons per Register.	Port of Embarkation.	Number and names of Passengers.	Port at which Passengers have contracted to be landed.	Date of Departure.

(Signed)

*Master.*

(Countersigned)

*Principal Officer of Customs.*

*Note.*—In the case of vessels carrying passengers to Ceylon, it will be sufficient to insert the number, and not the names, of passengers in Column 5.

## THE CALCUTTA UNIVERSITY.

## ACT No. II. OF 1857.

[Passed on the 24th January 1857.]

*Recites expediency of establishing and incorporating an University at Calcutta for the purpose of encouraging all classes in pursuit of a regular education, and of ascertaining those who have acquired proficiency, and of marking such proficiency by Academical Degrees and other proportionate marks of honor.*

1. *Appoints the first Chancellor, Vice Chancellor, and Fellows; and constitutes and declares them a Body Politic, with perpetual succession and a common seal, by the name of the University of Calcutta, by which name they are required to sue and be sued.*

2. *Grants power to the University to hold and dispose of property.*

3. *Regulates the constitution of the University and of its Senate and provides that any member leaving India permanently shall vacate his office.*

4. *The Chancellor to be the Governor-General of India for the time being.*

5. *The office of Vice Chancellor to be held only for two years and vacancies in it to be filled up by the Governor General from amongst the Fellows—with power to re-appoint the previous holder of the office.*

6. *The ex-officio Fellows to be the Lieutenant Governors of Bengal and the North Western Provinces, the Chief Justice of the Supreme Court, the Bishop of Calcutta and the Members of the Supreme Council, for the time being. The whole number of Fellows to be never less than thirty, exclusive of the Chancellor and Vice Chancellor, and to be kept up to that number by nominations on vacancies by the Governor General, who may also nominate more than 30 persons.*

7. *The Governor General of India in Council may cancel the appointment of a Fellow by notification in the Gazette*

8. *The Chancellor, Vice Chancellor and Fellows to have the entire management of the affairs and property of the University, with full power to make and alter bye-laws, on all matters whatever regarding the University, such bye-laws however not to be binding till approved by the Governor General in Council, reduced into writing and sealed with the common seal*

9. *At meetings of the Senate, six Fellows to be a quorum; the majority of votes to decide; the Chairman to be the Chancellor or Vice Chancellor or chosen by the majority of Fellows present, and to have a vote and a casting vote.*

10. *Chancellor, Vice Chancellor and Fellows may appoint and remove all Examiners, Officers and servants.*

11. *Regulates the conferring of degrees after examination and of marks of honor, in accordance with the bye-laws laid down from time to time.*

12. *Candidates for degrees not to be admitted without a certificate from an authorised Institution of having completed the course of instruction prescribed in the Bye-laws.*

13. *Examinations for degrees to be held at least once a year; and examiners*

and subjects of examination to be appointed by the University for every such occasion.

14. *Regulates the grant of Degrees.*

15. *The University, subject to the approbation of the Governor General in Council, may charge fees for degrees and for admission into and continuance in the University, such fees to be carried to a General Fee Fund and to be annually accounted for.*

An Act to establish and incorporate an University at Calcutta.

Whereas, for the better encouragement of Her Majesty's

Preamble. subjects of all classes and denominations within the Presidency of Fort William in

Bengal and other parts of India in the pursuit of a regular and liberal course of education, it has been determined to establish an University at Calcutta for the purpose of ascertaining, by means of examination, the persons who have acquired proficiency in different branches of Literature, Science, and Art, and of rewarding them by Academical Degrees as evidence of their respective attainments, and marks of honor proportioned thereunto; and whereas, for effectuating the purposes aforesaid it is expedient that such University should be incorporated: It is enacted as follows: (that is to say)—

Incorporation. I. The following persons, namely,

The Right Honorable CHARLES JOHN VISCOUNT CANNING,  
Governor General of India.

The Honorable JOHN RUSSELL COLVIN,  
Lieutenant-Governor of the North-Western Provinces.

The Honorable FREDERICK JAMES HALLIDAY,  
Lieutenant-Governor of Bengal.

The Honorable Sir JAMES WILLIAM COLVILLE, Knight,  
Chief Justice of the Supreme Court of Judicature in Bengal.

The Right Reverend DANIEL WILSON, Doctor of Divinity,  
Bishop of Calcutta.

The Honorable GEORGE ANSON, General,  
Commander-in-Chief of the Forces in India.

The Honorable JOSEPH ALEXANDER DORIN,  
Member of the Supreme Council of India.

The Honorable JOHN LOW, Major General,  
Companion of the Most Honorable Order of the Bath,  
Member of the Supreme Council of India.



**The Honorable JOHN PETER GRANT,**  
Member of the Supreme Council of India.

**The Honorable BARNES PEACOCK,**  
Member of the Supreme Council of India.

**CHARLES ALLEN, Esquire,**  
Member of the Legislative Council of India.

**HENRY RICKETTS, Esquire,**  
Provisional Member of the Supreme Council of India.

**CHARLES BINNY TREVOR, Esquire,**  
Judge of the Sudder Court in Bengal.

**Prince GHOLAM MUHAMMUD.**

**WILLIAM RITCHIE, Esquire,**  
Advocate General in Bengal.

**CECIL BEADON, Esquire,**  
Secretary to the Government of India.

**Colonel HENRY GOODWYN, of the Bengal Engineers,**  
Chief Engineer in Bengal.

**WILLIAM GORDON YOUNG, Esquire,**  
Director of Public Instruction in Bengal.

**Lieutenant-Colonel WILLIAM ERSKINE BAKER,**  
Of the Bengal Engineers, Secretary to the Government of India.

**Lieutenant-Colonel ANDREW SCOTT WAUGH,**  
Of the Bengal Engineers, Surveyor General of India.

**KENNETH MACKINNON, Esquire,**  
Doctor in Medicine.

**HODGSON PRATT, Esquire,**  
Inspector of Schools in Bengal.

**HENRY WALKER, Esquire.**  
Professor of Anatomy and Physiology in the  
Medical College of Bengal.

**THOMAS THOMSON, Esquire,**  
Doctor in Medicine, Superintendent of the  
Botanical Garden at Calcutta.

**FREDERICK JOHN MOUAT, Esquire,**  
Doctor in Medicine, and Fellow of the  
Royal College of Surgeons.

Lieutenant WILLIAM NASSAU LEES,  
of the Bengal Infantry.

The Reverend WILLIAM KAY,  
Doctor of Divinity,  
Principal of Bishop's College.

The Reverend ALEXANDER DUFF,  
Doctor of Divinity.

THOMAS OLDHAM, Esquire;  
Superintendent of the Geological Survey of India.

HENRY WOODROW, Esquire,  
Inspector of Schools in Bengal.

LEONIDAS CLINT, Esquire,  
Principal of the Presidency College.

PROSONNO COOMAR TAGORE,  
Clerk Assistant of the Legislative Council of India.

RAMAPERSHAD ROY,  
Government Pleader in the Sudder Court of Bengal.

The Reverend JAMES OGILVIE,  
Master of Arts.

The Reverend JOSEPH MULLENS,  
Bachelor of Arts.

Moulavy MUHAMMUD WUJEEH,  
Principal of the Calcutta Madrasah.

ISHWAR CHUNDRĀ BIDYA SAGUR,  
Principal of the Sanskrit College of Calcutta.

RAMGOPAL GHOSE,  
Formerly Member of the Council of Education.

ALEXANDER GRANT, Esquire,  
Apothecary to the East India Company.

HENRY STEWART REID, Esquire,  
Director of Public Instruction in the North-Western Provinces,  
being the first Chancellor, Vice-Chancellor, and Fellows of the  
said University, and all the persons who may hereafter become  
or be appointed to be Chancellor, Vice-Chancellor, or Fellows as  
hereinafter mentioned, as long as they shall continue to be such

Chancellor, Vice-Chancellor, or Fellows, are hereby constituted and declared to be one Body Politic and Corporate by the name of the University of Calcutta; and such Body Politic shall by such name have perpetual succession, and shall have a common seal, and by such name shall sue and be sued, implead and be impleaded, and answer and be answered unto, in every Court of Justice within the territories in the possession and under the Government of the East India Company.

11. The said Body Corporate shall be able and capable in law to take, purchase, and hold any property, moveable or immoveable, which may become vested in it for the purposes of the said University by virtue of any purchase, grant, testamentary disposition, or otherwise; and shall be able and capable in law to grant, demise, alien, or otherwise dispose of, all or any of the property, moveable or immoveable, belonging to the said University; and also to do all other matters incidental or appertaining to a Body Corporate.

III. The said Body Corporate shall consist of one Chancellor, one Vice-Chancellor, and such number of ex-officio and other Fellows as the Governor General of India in Council hath already appointed, or shall from time to time, by any order published in the *Calcutta Gazette*, hereafter appoint; and the Chancellor, Vice-Chancellor, and Fellows for the time being shall constitute the Senate of the said University. Provided that if any person being Chancellor, Vice-Chancellor, or Fellow of the said University, shall leave India without the intention of returning thereto, his office shall thereupon become vacant.

IV. The Governor General of India for the time being shall be the Chancellor of the said University, and the first Chancellor shall be the Right Honorable Charles John Viscount Canning.

V. The first Vice-Chancellor of the said University shall be Sir James William Colville, Knight. The office of Vice-Chancellor shall be held for two years only: and the Vice-Chancellor herein before nominated

shall go out of office on the first day of January 1859. Whenever a vacancy shall occur in the office of Vice-Chancellor of the said University by death, resignation, departure from India, effluxion of time, or otherwise, the Governor General of India in Council shall, by notification in the *Calcutta Gazette*, nominate a fit and proper person, being one of the Fellows of the said University, to be Vice-Chancellor in the room of the person occasioning such vacancy. Provided that on any vacancy in the said office which shall occur by effluxion of time, the Governor General of India in Council shall have power to re-appoint the Vice-Chancellor hereinbefore nominated or any future Vice-Chancellor to such office.

VI. The Lieutenant-Governors of Bengal and the North-

Fellows.

Western Provinces, the Chief Justice of the Supreme Court of Judicature at Fort

William in Bengal or of any Court of Judicature hereafter to be constituted to or in which the powers of the said Supreme Court may be transferred or vested, the Bishop of Calcutta, and the Members of the Supreme Council of India, all for the time being, shall be ex-officio Fellows of the said University. The whole number of the Fellows of the said University, exclusive of the Chancellor and Vice-Chancellor for the time being, shall never be less than thirty: and whenever the number of the said Fellows, exclusive as aforesaid, shall by death, resignation, departure from India, or otherwise, be reduced below thirty, the Governor General of India in Council shall forthwith, by notification in the *Calcutta Gazette*, nominate so many fit and proper persons to be Fellows of the said University as, with the then Fellows of the said University, shall make the number of such Fellows, exclusive as aforesaid, thirty. But nothing herein contained shall prevent the Governor General of India in Council from nominating more than thirty persons to be Fellows of the said University, if he shall see fit.

VII. The Governor General of India in Council may cancel

the appointment of any person already appointed, or hereafter to be appointed a Fellow of the University, and as soon as

The appointment of a Fellow may be cancelled.

such order is notified in the *Gazette*, the person so appointed shall cease to be a Fellow.

VIII. The Chancellor, Vice-Chancellor, and Fellows for the time being shall have the entire management of and superintendence over the affairs, concerns, and property of the said University; and in all cases unprovided for by this Act, it shall be lawful for the Chancellor, Vice-Chancellor, and Fellows to act in such manner as shall appear to them best calculated to promote the purposes intended by the said University. The said Chancellor, Vice-Chancellor, and Fellows shall have full power from time to time to make and alter any bye-laws and regulations (so as the same be not repugnant to law, or to the general objects and provisions of this Act) touching the examination for degrees and the granting of the same; and touching the examination for honors and the granting of marks of honor for a higher proficiency in the different branches of Literature, Science, and Art; and touching the qualifications of the candidates for degrees and the previous course of instruction to be followed by them, and the preliminary examinations to be submitted to by them; and touching the mode and time of convening the meetings of the Chancellor, Vice-Chancellor, and Fellows; and, in general, touching all other matters whatever regarding the said University. And all such bye-laws and regulations, when reduced into writing, and after the common seal of the said University shall have been affixed thereto, shall be binding upon all persons, members of the said University, and all candidates for degrees to be conferred by the same, provided such bye-laws and regulations shall have been first submitted to and shall have received the approval of the Governor General of India in Council.

IX. All questions which shall come before the Chancellor, Vice-Chancellor, and Fellows, shall be decided at a Meeting of the Senate by the majority of the members present; and the Chairman at any such meeting shall have a vote, and, in case of an equality of votes, a second or casting vote. No question shall be decided at any meeting, unless the Chancellor, or Vice-Chancellor, and five Fellows, or, in the absence of the Chancellor and Vice-Chancellor, unless six Fellows at the

Chancellor, Vice-Chancellor, and Fellows to superintend the affairs of the University.

Bye Laws.

Meetings of the Senate.

least, shall be present at the time of the decision. At every meeting of the Senate, the Chancellor, or in his absence the Vice-Chancellor, shall preside as Chairman; and, in the absence of both, a Chairman shall be chosen by the Fellows present, or the major part of them.

X. The said Chancellor, Vice-Chancellor, and Fellows for the time being shall have full power from time to time to appoint, and, as they shall see occasion, to remove all Examiners, Officers, and servants of the said University.

XI. The said Chancellor, Vice-Chancellor, and Fellows, shall have power, after examination, to confer the several degrees of Bachelor of Arts, Master of Arts, Bachelor of Laws, Licentiate of Medicine, Doctor of Medicine, and Master of Civil Engineering; they shall also have power, after examination, to confer upon the candidates for the said several degrees marks of honor for a high degree of proficiency in the different branches of Literature, Science, and Art, according to rules to be determined by the bye-laws to be from time to time made by them under the power in that behalf given to them by this Act.

XII. Except by special order of the Senate, no person shall be admitted as a candidate for the degree of Bachelor of Arts, Master of Arts, Bachelor of Laws, Licentiate of Medicine, Doctor of Medicine, or Master of Civil Engineering, unless he shall present to the said Chancellor, Vice-Chancellor, and Fellows, a certificate, from one of the Institutions authorised in that behalf by the Governor General of India in Council, to the effect that he has completed the course of instruction prescribed by the Chancellor, Vice-Chancellor, and Fellows of the said University, in the bye-laws to be made by them under the power in that behalf given by this Act.

XIII. The said Chancellor, Vice-Chancellor, and Fellows shall cause an examination for degrees to be held at least once in every year; on every such examination, the candidates shall be examined by Examiners appointed for the purpose from

among the Fellows by the said Chancellor, Vice-Chancellor, and Fellows, or by other Examiners so to be appointed; and on every such examination, the candidates, whether candidates for an ordinary degree or for a degree with honors, shall be examined on as many subjects and in such manner as the said Chancellor, Vice-Chancellor, and Fellows shall appoint.

XIV. At the conclusion of every examination of the candidates, the Examiners shall declare the name of every candidate whom they shall have deemed entitled to any of the said degrees, and his proficiency in relation to other candidates; and also the honors which he may have gained in respect of his proficiency in that department of knowledge in which he is about to graduate; and he shall receive from the said Chancellor a certificate, under the seal of the said University of Calcutta and signed by the said Chancellor or Vice-Chancellor, in which the particulars so stated shall be declared.

XV. The said Chancellor, Vice-Chancellor, and Fellows shall have power to charge such reasonable fees for the degrees to be conferred by them, and upon admission into the said University, and for continuance therein, as they, with the approbation of the Governor General of India in Council, shall from time to time see fit to impose. Such fees shall be carried to one General Fee Fund for the payment of expenses of the said University, under the directions and regulations of the Governor General of India in Council, to whom the accounts of income and expenditure of the said University, shall once in every year be submitted for such examination and audit as the said Governor General of India in Council may direct.

#### **CATTLE TRESPASS.**

ACT No. III. OF 1857.

[Passed on the 31st January, and, in.]

*Recites damage done to crops and to the sides and slopes, of the roads by cattle trespassing thereon; and expediency of regulating the absence of the cattle, and detention, and disposal of such cattle.*

Chancellor  
the absence of  
Fellows

1. *Laws repealed.*

2. *Cultivator or occupier of land may cause to be seized and conveyed to the established pound cattle found trespassing and doing damage, and may call upon the Police to aid in such seizure.*

3. *Directs that Magistrate shall establish pounds at the Thannahs and other places and shall notify by what villages each pound is to be used.*

4. *Regulates the control and management of pounds*

5. *Regulates the registry of seizures and the feeding of cattle seized, by the pound keeper*

6. *Regulates the levying of fines upon each head of Cattle impounded.*

7. *Cattle to be delivered to owner on payment of fine and regulated charge for feeding: owner to sign receipt schedule of fines and charges to be stuck up.*

8. *After seven days, the pound keeper is to report to the Darogah, who is to stick up a notice in the Police Office and cause proclamation by tom-tom in the villiage. Seven days after notice, the Darogah or his deputy may sell the cattle by public auction.*

9. *On refusal by owner to pay fines and expenses, unless there be a complaint against the seizure under section XII., the Cattle may be sold by the Darogah, and the balance of the cattle and purchase money is to be delivered to the owner together with an account, and the owner is to give a receipt*

10. *Prohibits Police Officers and pound-keepers from purchasing cattle sold under this Act*

11. *Regulates the disposal of the proceeds of sale and of the fines and charges for feeding.*

12. *Directs that the fines and unclaimed proceeds of sales shall form a fund for payment of pound-keepers and construction and maintenance of pounds.*

13. *Imposes fine or imprisonment or both for forcible opposition to the seizure of cattle, or for rescuing cattle already seized.*

14. *A complaint of illegal seizure may be preferred within ten days to any criminal officer having original jurisdiction, or to any such civil officer specially authorised by the local Government. Such officer how to proceed.*

15. *Regulates impounding of cattle doing damage to public roads, embankments, &c.*

*Police Officers are to impound cattle straying in any public place, the names of which are unknown.*

*Persons on whose complaint the penalty for damage committed by causing cattle to stray may be adjudged: and how it is to be recovered.*

*Penalty for damage done to land or crops by pigs, and permits the Magistrate to fix the fine to the compensation of the complainant.*

*Prohibits the institution of a civil suit for damage done by straying cattle, but any compensation granted by the Magistrate is to be set off against any damages awarded in the suit.*

*The Government may exempt any district from the operation of this section.*

*To take effect from 1st May, 1857*



### An Act relating to Trespasses by Cattle.

Whereas loss and injury are suffered by cultivators and occupiers of land from damage done to crops and other produce of land by the trespass of cattle, and whereas damage is done to the sides and slopes of public roads and embankments by cattle trespassing thereon; and whereas it is expedient to authorize the seizure and detention of cattle doing damage as aforesaid and also to make provision for the disposal of cattle found straying in any public place; It is enacted as follows:—

**I.** Section IV. Regulation V. 1830 of the Bengal Code, Sections XII. and LII. Regulation XI. 1816 of the Madras Code, and such parts of Sections XIX. XLV. and LIII. Regulation XII. 1827 of the Bombay Code, as authorise the Magistrates or Police Officers to take charge and dispose of stray cattle, are hereby repealed.

**II.** It shall be lawful for the cultivator or occupier of any land to seize, or cause to be seized, any cattle trespassing on such land, and doing damage to such land or any crop or produce thereon, and to convey them without unnecessary delay to the pound established for the village or township in which the land is situate. Village and other Police Officers, when called upon, shall give their aid to cultivators and occupiers making such seizures.

**III.** Pounds shall be established at the thannahs or district Police stations, and at such other places as the Magistrate, under the orders of the local Government, may determine in any village or villages by which every pound is to be used, determined and notified by the Magistrate.

**IV.** The pounds shall be under the control of the district, and for each pound, a keeper shall be appointed, who shall keep such registers and furnish such information as the local Government shall direct. Provided that the Presidencies of Fort St. George and Bombay, the Magistrate or Police Officers shall be ex-officio the keepers of the pounds.

**V.** When cattle are brought to a pound, the keeper

Seizures to be registered.

shall enter in his register the number and description of the animals, the name and residence of the seizer, and the name and residence of the owner, if known, and shall give a copy of the entry to the seizer. The pound-keeper shall take charge of and feed the cattle until disposed of as hereinafter directed.

Pound keeper to take charge of and feed cattle.

VI. For every head of cattle impounded as aforesaid, a fine shall be levied according to the following scale:—

Fines.

	<i>Annas.</i>
Camel or Buffalo. ... ..	8
Horse or Tattoo, Bull, Bullock, or Cow, ..	4
Calf or Ass, .. ..	2
Sheep or Goat, .. ..	1

and no cattle shall be released by a pound-keeper without the payment of such fine, unless the release be ordered by competent authority.

VII. If the owner appear and claim the cattle, they shall be delivered to him on payment of the prescribed fine together with the expense of feeding the cattle at such rates as may from time to time be fixed by the Magistrate; and the owner, on taking back his cattle, shall sign a receipt for them in the register kept by the pound-keeper. A schedule of the fines and of the rates of charge for feeding cattle shall be stuck up in a conspicuous place on or near to every pound.

VIII. If the cattle be not claimed within seven days from the date of their being impounded, the pound-keeper shall make his report to the Darogah or district Police Officer, who shall stick up as part of the Police Office a notice containing a number and description of the cattle, the place where seized, and the place where they are impounded, and a proclamation of the same to be made by beat of drum in every village, and at the market place, nearest to the place of seizure. If the cattle be not claimed within seven days from the date of the notice, they shall be sold by public auction by

the Darogah or district Police Officer or an officer of his establishment deputed for the purpose.

**IX.** If the owner appear, and refuse or omit to pay the fines and expenses, the cattle, or as many of them as may be necessary, shall be sold by public auction for the recovery of such fines and expenses by the Darogah or other officer as aforesaid; and the remaining cattle, and the balance of the purchase money, if any, shall be delivered to the owner, together with an account shewing the number of cattle seized, the time during which they have been impounded, the charge for fines and expenses, the number of cattle sold, the proceeds of sale, and the manner in which those proceeds have been disposed of; and the owner shall grant a receipt for the cattle delivered to him and for the balance of the purchase money paid to him (if any) according to such account. Provided always that, if a complaint against the seizure shall have been preferred under the provisions of Section XIV. of this Act, no sale shall be made until the case shall have been decided, nor otherwise than according to the order which may be passed in such case.

*Procedure if owner appear and refuse or omit to pay the fines and expenses.*

**X.** Police Officers and pound-keepers are prohibited from becoming, directly or indirectly, purchasers of any cattle at a sale under this Act.

**XI.** When cattle are sold under the provisions of this Act, the fines leviable and the expenses of feeding, together with the expenses of sale, if any, shall be deducted from the sale-proceeds; and the fines so recovered, as well as all fines received by pound-keepers under Section VII. shall be transmitted to the Magistrate by the Darogah, or district Police Officer; and the surplus proceeds of the sale of unclaimed cattle shall be deposited for three months, and, if no claim to them be made, shall be distributed as follows:

*Disposal of sale-proceeds, fines, and expenses.*

Follows

lished within that period, shall, at its expiry, dispose of them as hereinafter provided.

**XII.** The sums received on account of fines and the unclaimed proceeds of the sale of unclaimed cattle shall form a fund which shall be available for the payment of any salaries which may be allowed to pound-keepers under the orders of the local Government or of expenses incurred for the construction and maintenance of pounds, or for any other purpose connected with the execution of this Act.

**XIII.** Every person who shall forcibly oppose the seizure of cattle doing damage to land or to crops or other produce of land, or shall forcibly rescue the same after seizure either from a pound or from the seizer when conveying or about to convey them to a pound, shall be liable for such offence to imprisonment, with or without labor, for a period not exceeding six months, or to a fine not exceeding five hundred rupees, or to both. Offences under this section shall be dealt with by the Police Officers according to the provisions of Section XXV. Regulation XX. 1817 of the Bengal Code, Section XXVII. Regulation XI. 1816 of the Madras Code, and Section XLIII. Regulation XII. 1827 of the Bombay Code.

**XIV.** Any person whose cattle shall have been seized and detained as doing damage to land or any crop or produce thereon may prefer a complaint against the seizure, at any time within ten days from the date thereof, to the Magistrate or to any Joint, Deputy, or Assistant Magistrate or to any Magistrate having criminal Jurisdiction, authorised to receive complaints without reference by the Magistrate. The complaint may be either verbal, in which case the substance of it shall be taken down by the Magistrate or other officer as aforesaid, or on plain paper, and shall be preferred by the complainant personally, or by an agent personally acquainted with the circumstances. The Magistrate or other officer as aforesaid, shall receive the complaint, and if the complainant or his agent he shall

see reason to believe the complaint to be well founded, shall summon the party complained against, and shall proceed to make a summary enquiry into the case. If the seizure be ad-

Damages for illegal seizure.

judged illegal, the Magistrate or other officer aforesaid shall award to the complainant such damages, not exceeding in any case the sum of rupees one hundred, as he may deem to be a reasonable compensation for any loss or injury sustained from the unlawful seizure and detention, together with all expenses incurred by the complainant in procuring the release of the cattle; or if the cattle have not been released, the Magistrate or other officer as aforesaid, in addition to the award of damages, shall make an order for their release, and shall direct that the fines and expenses leviable under this Act shall be paid by the party who made the seizure. Moonsiffs and other judicial officers having origi-

Moonsiffs and others may be invested with power to adjudicate under this section.

nal jurisdiction, and not invested with criminal powers, may be specially invested by the local Government with the power of receiving and trying complaints under this section, and in the exercise of such powers shall be subject to the same rules as Assistants and other officers subordinate to the Magistrate.

XV. Persons in charge of public roads, canals, embankments, and the like, may seize or cause to be seized any cattle doing damage to the sides or slopes of such roads, canals, embankments, and the like; and all the foregoing provisions of this Act shall be applicable to such seizures.

XVI. Village and other Police Officers shall convey to the pounds established under Section III. of this Act all cattle, the owners of which are unknown, found straying in any public place; and the provisions of this Act relative to the release, and sale of cattle seized as trespassers, and the provisions of this Act relative to the release, and sale of cattle seized as trespassers, shall be applicable to all cattle impounded; and

Impounding of stray cattle the owners of which are unknown.

XVII. When any person commits mischief, by causing cattle to trespass on any land, he shall be liable to be punished as provided for such offence. If the offence is adjudged on the complaint of any person authorised to prosecute, the following

Recovery of penalty for mischief committed by causing cattle to trespass.

to seize cattle under Section II. of this Act, or of any person who may have made advances for the cultivation of the land and delivery of the produce; and any fine which shall be so adjudged may be recovered by sale of the cattle by which the trespass was committed, or any portion of them, whether the cattle were seized in the act of trespassing or not, and whether such cattle are the property of the person convicted of the offence, or were only in his charge when the trespass was committed.

**XVIII.** Any person, being an owner or keeper of pigs, who, through neglect or otherwise, shall damage or cause or permit to be damaged, any land or any crop or produce of land by allowing pigs to trespass thereon, shall be liable for such offence to a fine not exceeding ten rupees. All sums recovered under this and the last preceding section may be appropriated in whole or in part to compensate the complainant for damage proved to the satisfaction of the Magistrate.

**XIX.** Nothing contained in this Act shall be held to prohibit any person, whose crops or other produce of land shall have been damaged by trespass of cattle, from instituting a suit for the recovery of damages in any competent Court. Provided that any compensation which may have been paid to any such person by order of the Magistrate, shall be set off and deducted from any sum claimed by or awarded to him as damages in such suit.

the local Government, with the sanction of the Government, or General in Council, may exclude from the operation of this Act any district or tract of country to which its provisions may be judged unsuitable.

the construction of this Act, words importing the singular number shall include the plural, and words importing the plural number shall include the singular; words importing the masculine gender shall

include females; the word "Magistrate" shall include a Joint Magistrate, or other officer lawfully exercising the powers of a Magistrate; the expression "Darogah or District Police Officer" shall, in the North-Western Provinces of the Presidency of Fort William, include a Tuhseeldar or Naib Tuhseeldar entrusted with Police powers.

XXII. This Act shall commence and take effect from and Commencement of Act. after the first day of May 1857.

### BOMBAY. TOBACCO.

#### ACT No. IV. OF 1857.

[Passed on the 9th February 1857.]

*Recites expediency of amending the law.*

1. *Laws repealed.*

2. *Tobacco imported into the Town of Bombay for consumption to be liable, in addition to Customs Duty, to a Municipal Duty of seven rupees and eight annas per maund.*

3. *Municipal Duty may be paid either at the importation or after the warehousing of the Tobacco.*

4. *If the Municipal Duty is not paid on importation, the Tobacco must be warehoused in a licensed warehouse and the duty paid on removal thereof. The duty is to be remitted on re-exportation of the Tobacco.*

5. *The port of Bombay to be held a warehousing port under Act XXV. 1856; and the Import Duty is to be held to include the Municipal Duty.*

6. *Extends the powers of the Commissioner and Officers of Customs for enforcing payment of the Municipal duty.*

7. *Prescribes that Tobacco shall not, without permission, be imported into Bombay otherwise than by sea or landed at other than the appointed places.*

8. *Exempts from duty small quantities (not exceeding four <sup>seer</sup> in weight) for private consumption.*

9. *Prohibits the removal of Tobacco from one place to another Town without a Permit, granted between sunrise and sunset, on removal—except so far as may be necessary for lawful trade in small quantities.*

10. *Prohibits the grant of a Permit for removal of less than one <sup>seer</sup> or package—except in the case of refuse or waste, which, if not disposed of within one month, may be destroyed.*

11. *Prohibits retail sale of Tobacco without licence.*

12. *Defines a retail sale.*

13. *Prohibits retail sales elsewhere than at the place named in the license, and directs that the name of the dealer be affixed in the front of his shop.*

14. *Imposes fine on retail dealers refusing or neglecting to make monthly returns of stock, or making false returns.*

15. *Imposes fine on retail dealers for refusing or neglecting to make in a book entries of all Tobacco received.*

16. *Quicer of Customs may issue search warrant.*

17. *Any Officer of Customs or other public officer authorized by him may arrest and detain persons or packages or vehicles supposed to convey Tobacco.*

18. *All Tobacco illegally imported, removed &c, and all vehicles and animals knowingly employed in conveying it, are liable to confiscation. Confiscation may be commuted to fine.*

19. *All persons illegally importing &c. Tobacco, liable to fine not exceeding ten times the value—and licensed dealer liable to revocation of license.*

20. *Regulates the levying of fines and the adjudication and sale of confiscations.*

21. *Interpretation clause.*

*Schedule.*

An Act to amend the law relating to the duties payable on Tobacco, and the retail sale and warehousing thereof in the Town of Bombay.

Whereas it is expedient to amend the law relating to the duties payable on Tobacco and the retail sale and warehousing of that article in the Town of

Bombay: It is hereby enacted as follows:—

I. Chapters V. VI. VII. and VIII. of Regulation XXI. 1827 of the Bombay Code, and Act XXIV. of 1850, are hereby repealed, but not so as to

revive any other Regulation or Act thereby repealed.

II. All Tobacco (except such small quantities as are hereinafter mentioned) imported from any place into the Town of Bombay and intended for consumption therein, shall be liable to a duty of eight annas per maund of forty seers of eighty which duty is hereinafter called the Municipal duty shall be leviable in addition to any Customs duty prescribed by law.

said Municipal Duty may be paid at the option of the importer either on the importation of the Tobacco, or after it has been warehoused as herein provided.



IV. If the said Municipal Duty is not paid on importation, the Tobacco shall be warehoused in a public or licensed warehouse within the meaning of Act XXV of 1836; and the importer shall pay such duty on the said Tobacco on its removal from the warehouse for consumption in the said Town.

*Duty, if not paid on importation, to be paid on removal from warehouse for consumption.*

When Tobacco so warehoused is re-exported to any place beyond the limits of the said Town, the whole of the said Municipal Duty shall be remitted.

*Remission of Municipal Duty on re-exportation.*

V. The port of Bombay shall, after the passing of this Act, be held to be a warehousing port within the meaning of Act XXV of 1836, so far as regards the warehousing of Tobacco; and the provisions of the said Act, so far as the same are applicable, shall be applied to the warehousing of Tobacco in the said Town. The Import Duty in the said Act mentioned shall, as to Tobacco, include the Municipal Duty leviable under this Act.

*Bombay, a warehousing port for Tobacco.*

VI. The Commissioner of Customs, Salt, and Opium, and Officers of Customs, shall have all the same powers and authorities for collecting and enforcing payment of the said Municipal Duty, in addition to the powers and authorities specified in this Act, as they now have or shall have in respect of duties of Customs.

*Powers for collection and enforcing payment of the Municipal duty.*

VII. It shall not be lawful, without the permission of the Commissioner of Customs, Salt, and Opium, or other officer empowered by Government to grant such permission, to bring any Tobacco or any preparation thereof into Bombay otherwise than

*not to be imported otherwise than by Sea.*

*Landing places to be prescribed.*

nor to land the same at any other place than such as may from time to time be prescribed by the Government.

VIII. The foregoing provisions of this Act; and applicable to such small quantities, (not exceeding in weight four seers or four tolas to the seer) as are intended for private consumption of the importer.

*Exemptions from Duty.*

IX. It shall not be lawful to remove any Tobacco from one

Permit necessary for removal of Tobacco. place to another within the said Town, nor to carry or convey the same on any thoroughfare in the said Town, nor to carry the same in any vessel or boat of less than forty candies burthen in any of the creeks or waters adjacent to the said Town, without a Permit from the Commissioner of Customs, Salt, and Opium, which Permit shall be in the form of Schedule A to this Act annexed, or to the like effect; any such Permit shall be in force only between sunrise and sunset of the day for which it is granted. Provided always, that it shall be lawful to convey without a Permit any Tobacco so far as may be necessary for the lawful importation thereof according to the provisions of this Act, and also small quantities of Tobacco, not exceeding in weight four seers of eighty tolas to the seer, for personal or domestic use.

X. No Permit shall be granted for the removal from warehouse of any quantity of Tobacco less than an entire bale or package. Provided that, when Tobacco is to be removed for consumption in the said Town, the Commissioner of Customs, Salt, and Opium, may give permission to open any bale or package previous to removal and to set aside such portion thereof as may be refuse or waste; and the said refuse or waste may be re-exported, under the rules for the re-export of Tobacco, at any time within one month from the date of such permission, or, if it be not so re-exported, may be destroyed by order of the Commissioner.

XI. It shall not be lawful for any person to sell or offer for sale by retail any Tobacco in the said Town without a license from the Commissioner of Customs, Salt, and Opium, or other officer authorized by Government in that behalf, which license shall be for a period of twelve calendar months from the date of issue, unless the person to whom the license is granted shall be deprived thereof under the provisions of this Act. A fee of one rupee shall be paid for every such

license.

XII.

sale of Tobacco not exceeding in weight fourteen

What to be deemed  
a retail sale.

seers of eighty tolas to the seer shall be deemed to be a retail sale within the mean-

ing of this Act.

**XIII.** It shall not be lawful for any licensed retail dealer in Tobacco to carry on the retail sale of the same, or to keep any store of the same, except at such shop or other premises as may be specified in his license; and the name of every retail dealer in Tobacco, together with the number of his license, shall be written or painted in English, Guzerati, and Maharatti, in plain and legible characters of not less than one inch in height, on a board to be affixed in a conspicuous manner in the front of the shop or premises where such retail sale is carried on.

Retail sale to be only  
at the place mention-  
ed in the license.

Name of licensed  
dealer to be affixed to  
shop.

**XIV.** Every retail dealer in Tobacco shall, on or before the 10th day of each month, make to the Commissioner of Customs, Salt, and Opium, or other officer as aforesaid, a separate return for each shop or place of sale for which he holds a license, showing the quantity of Tobacco on hand therein at the beginning of the preceding month, the quantity received during such month, and the persons from whom, and the dates on which, he received it, and the stock remaining at the close of such month; and any retail dealer, who refuses or neglects to make such return or makes a false return, shall be liable to be deprived of his license by the said Commissioner or other officer as aforesaid, and to pay a fine not exceeding two hundred rupees.

**XV.** Every retail dealer in Tobacco shall on the same day on which he shall receive any such shop or place book to be kept for that of such Tobacco, the date receives the same, and the name of the person at the place from which, he receives it; and the book shall be open to the inspection of the Commissioner of Customs, Salt, and Opium, or of any person authorised by the Commissioner or such officer to inspect the same; and

Retail dealer to  
make entry in a book,  
of weight, &c., of all  
Tobacco received.

Inspection of book.

or other officer or person as aforesaid inspecting the said book, may make any minute therein, or any extract therefrom, which he shall think fit; and any retail dealer who neglects or refuses to comply with the provisions of this section, shall for every offence be liable to be deprived of his license by the said Commissioner or other officer as aforesaid, and to pay a fine not exceeding two hundred rupees.

**XVI.** The Commissioner of Customs, Salt, and Opium, or other officer as aforesaid, may issue a warrant under his hand and seal to any public officer, commanding him to enter and search between sunrise and sunset any building or place to be specified in the warrant in which Tobacco may be deposited under the provisions of this Act, or in which the Commissioner or other officer as aforesaid has been credibly informed, which information shall be taken down in writing, that Tobacco is deposited contrary to the provisions of this Act; and to seize and take away from thence any Tobacco or other article, subject to confiscation under this Act.

**XVII.** The Commissioner of Customs, Salt, and Opium, or other officer as aforesaid, or any public officer authorised by the Commissioner or such officer, may arrest and detain any person carrying or having charge of any Tobacco liable to confiscation under this Act, and may detain and search any vessel or package, and any boat or vehicle, containing or conveying, or supposed to contain or convey, any such Tobacco.

**XVIII.** All Tobacco imported into the said Town or removed from one place to another or kept within the said Town, or found in the possession of any person in the said Town selling or offering for sale, contrary to the provisions of this Act, and the vessel in which such Tobacco is contained; and any boat or animal employed with the consent and of the owner or his servant in conveying the same—shall be liable to confiscation. Provided always, that it shall be lawful for the adjudicating officer to mitigate the penalty of confiscation, by commuting the same to the payment

of any fine not exceeding the value of the goods liable to confiscation; and every such fine may be enforced, if necessary, by the sale of the goods liable to confiscation.

**XIX.** Any person, who shall illegally import, remove, or sell in the said Town, any Tobacco, or who shall knowingly have in his possession any Tobacco subject to confiscation under this Act, shall be liable to a fine not exceeding ten times the value of such Tobacco; and if the offender is a licensed retail dealer, he shall be liable to be deprived of his license by the Commissioner of Customs, Salt, and Opium, or other officer as aforesaid.

Penalty for illegal importation, removal, sale, or possession.

Revocation of license.

**XX.** All confiscations and fines under this Act may be adjudicated and levied by any Magistrate of Police for the Town of Bombay. Goods adjudged liable to confiscation shall be sold under warrant of the Magistrate.

Levy of fines and adjudication and sale of confiscations.

**XXI.** The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the context repugnant to such construction:—

Interpretation.

The words “Town of Bombay” shall include all places within the Islands of Bombay and Colaba.

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Words importing the masculine gender shall include females.

## SCHEDULE A.

### *Form of Permit.*

No.

A. B. has been permitted to remove from  
*licensed warehouse or shop No.* *situ*  
*street to warehouse or shop No.* *in B*  
 der-mentioned quantity of Tobacco between  
 on the      day of      in the year

(Signed

*Commissioner of Customs*

## CALCUTTA. ORIENTAL GAS COMPANY.

## ACT No. V. OF 1857.

[ *Passed on the 13th February 1857.*

*Recites expediency of giving to the Oriental Gas Company, Limited, power to carry out their undertaking of lighting the Town of Calcutta with Gas.*

1. *Oriental Gas Company, under superintendence, may break up streets, open drains, erect pillars, &c, making compensation for damage done.*

2. *The Company not authorised to enter on any land not dedicated to public use, without consent, except to substitute a new pipe for one already existing.*

3. *Directs the Company to give notice to the Municipal Commissioners three clear days before breaking up any street, drain, &c. except in cases of emergency*

4. *Prohibits the breaking up of streets, drains, &c. except under the superintendence, and according to the plan of the persons having control over them—unless in cases of emergency, or when such persons fail to superintend, after due notice.*

5. *Directs the Company to guard and light streets &c while broken up, and to restore them afterwards, and to continue to repair them as long as the soil shall continue to subside.*

6. *Imposes on the Company a fine not exceeding fifty rupees a day for each breach of 4th and 5th sections*

7. *In case of the Company delaying to restore streets &c the persons having control of them may do so and recover the expenses from the Company.*

8. *The Company's Officer may at reasonable times enter any place lighted with Gas by the Company in order to inspect the meters &c. or to ascertain the quantity of gas consumed.*

9. *Regulates the recovery of rents due for gas.*

10. *When the supply of gas is discontinued, the Company may at certain times to remove pipes.*

*things not liable to distraint for rent &c, in suit against any of them.*

*for fraudulent use of gas: and allows the Company to treat for breach of contract.*

*for wilful destruction or damage to the Company's pipes or*

*intentionally damaging pipes, &c. to make satisfaction to the Company within limits.*

*Company a fine, to be repented for every day during the absence after notice, for causing water to be corrupted.*

*by fine for escape of gas after notice.*

*by fine on the Company for the benefit of private persons injured by their gas, after notice.*

18. *The person whose water is supposed to be fouled may, after notice, and for the purpose of ascertaining the cause of such fouling, dig up the ground and examine the pipes &c. of the Company.*

19. *The expense of such examination to abide its result.*

20. *How such expense is to be ascertained.*

21. *The Company are not to be exempted from liability to indictment for nuisance.*

22. *Copies of the original Deed of Association and of all Regulations or Resolutions of a General Meeting of the Company are to be kept in certain places.*

23. *Regulates the mode in which process may be served.*

24. *Penalties, damages, &c. may be recovered summarily before a Magistrate.*

25. *Penalties, damages, &c. may be levied by distress and sale or by suit in any competent Court*

26. *Distress not to be vitiated by want of form, &c.*

27. *Interpretation Clause.*

An act to confer certain powers on the Oriental Gas Company, Limited.

Whereas a Joint Stock Company has been lately formed for the purpose of introducing Gas-works into India, which Company having been completely registered in England under the Act of Parliament of the eighth year of the reign of her present Majesty, Cap. 110, has since been registered in England under "The Joint Stock Companies' Act, 1856" with limited liability, and has duly obtained a certificate of Incorporation under the the name of the Oriental Gas Company, Limited; and whereas the said Company has erected Gas-works on land granted for that purpose by Government in the vicinity of the Town of Calcutta, and is engaged in the preparation of apparatus and materials for the manufacture and supply of Gas for lighting the said Town; and whereas it is expedient that powers and facilities should be given to the said Company to enable them to carry out their undertaking of lighting the said Town of Calcutta, which powers and facilities hereafter be extended to the operations of the Company in other towns and places: It is enacted as follows:

I. In the Town of Calcutta and its environs

town or place to which the Company

Act may hereafter be extended

passed for that purpose,

Company, Limited, under the

Power to break up streets, &c., under superintendence, and to open drains.

dence as is hereinafter specified, may open and break up the soil and pavement of the several streets and bridges, and may open and break up any sewers, drains, or tunnels within or under such streets and bridges, and lay down and place within the same limits pipes, conduits, service-pipes, and other works, and from time to time repair, alter, or remove the same, and also make any sewers that may be necessary for carrying off the washings and waste liquids which may arise in the making of the Gas; and, for the purposes aforesaid, may remove and use all earth and materials in and under such streets and bridges; and they may in such streets erect any pillars, lamps, and other works, and do all other acts which the said Company shall from time to time deem necessary for supplying Gas to the inhabitants of the said Town of Calcutta and its environs, or other town or place as aforesaid, doing as little damage as may be in the execution of the powers hereby granted, and making compensation for any damage which may be done in the execution of such powers. ■

II. Provided always, that nothing herein shall authorise or empower the said Company to lay down or place any pipe or other works into, through, or against any building, or in any land not dedicated to public use, without the consent of the owners and occupiers thereof; except that the said company may at any time enter upon and lay or place any new pipe in the place of an existing pipe, in any land wherein any pipe hath been already lawfully laid down or placed in pursuance of this Act, and may repair or alter any pipe so laid down.

III. Before the said Company proceed to open or break up any street, bridge, sewer, drain, or tunnel, they shall give to the Municipal Commissioners for the Town of Calcutta, or other persons under whose control or management the same may be, a clerk, Surveyor, or other officer, notice in writing to open or break up the same, not less than 14 days before beginning such work; except in cases of emergency arising from defects in any of the pipes or other works, or in cases of necessity for the same shall have arisen.



IV. No such street, bridge, sewer, drain, or tunnel shall, except in the cases of emergency aforesaid, be opened or broken up, except under the superintendence of the persons having the control or management thereof, or of their officer, and according to such plan as shall be approved of by such persons or their officer, or in case of any difference respecting such plan, then according to such plan as shall be determined by a Magistrate; and such Magistrate may, on the application of the persons having the control or management of any such sewer or drain, or their officer, require the said Company to make such temporary or other works as they may think necessary for guarding against any interruption of the drainage during the execution of any works which interfere with any such sewer or drain. Provided always, that, if the persons having such control or management as aforesaid, and their officer, fail to attend at the time fixed for the opening of any such street, bridge, sewer, drain, or tunnel, after having had such notice of the said Company's intention as aforesaid, or shall not propose any plan for breaking up or opening the same, or shall refuse or neglect to superintend the operation, the said Company may perform the work specified in such notice without the superintendence of such persons or their officer.

V. When the said Company open or break up the road or pavement of any street or bridge, or any sewer, drain, or tunnel, they shall with all convenient speed complete the work for which the same shall be broken up, and fill in the ground and re-instate and make good the road or pavement, or the sewer or tunnel so opened or broken up, and carry away occasioned thereby; and shall at all times, whilst or pavement shall be so opened or broken up, be fenced and guarded, and shall cause a light, warning of passengers, to be set up and maintained near such road or pavement where the same is broken up every night during which the same is open or broken up; and shall keep the road or sewer, drain, or tunnel, in good repair for three months after

Streets or drains not to be broken up, except under superintendence of persons having control of the same.

If persons having the control &c. fail to superintend, Company may proceed with the work.

Streets broken up to be re-instated without delay.

replacing and making good the same, and for such further time, if any, not being more than twelve months in the whole, as the soil so broken up shall continue to subside.

VI. If the said Company open or break up any street or bridge, or any sewer, drain, or tunnel, without giving such notice as aforesaid, or in a manner different from that which shall have been approved of or determined as aforesaid, or without making such temporary or other works as aforesaid, when so required, except in the cases in which the said Company are hereby authorised to perform such works without any superintendence or notice; or if the said Company make any delay in completing any such work, or in filling in the ground or re-instating and making good the road or pavement, or the sewer, drain, or tunnel so opened or broken up, or in carrying away the rubbish occasioned thereby; or if they neglect to cause the place where such road or pavement has been broken up to be fenced, guarded, and lighted, or neglect to keep the road or pavement in repair for the space of three months next after the same shall have been made good, or such further time as aforesaid, they shall forfeit to the persons having the control or management of the street, bridge, sewer, drain, or tunnel, in respect of which such default is made, a sum not exceeding fifty rupees for every such offence, and they shall forfeit an additional sum not exceeding fifty rupees for each day during which any such delay as aforesaid shall continue after they shall have received notice thereof.

VII. If any such delay or omission as aforesaid take place, the persons having the control or management of the street, bridge, sewer, drain, or tunnel, in respect of which such delay or omission shall take place, may cause the work so omitted to be executed; and the expense of executing be repaid to such persons by the said Company; the amount of such expense shall, in case of any dispute about the same, be ascertained and recovered, in Calcutta and in any other town or place subject to the jurisdiction of any of Her Majesty's Courts of Judicature, in the manner in which expenses

are ascertained and recovered under Act XIV. of 1856, and in any town or place not within the jurisdiction of any of Her Majesty's Courts, in the same manner as damages are recoverable under this Act.

VIII. The Clerk, Engineer, or other officer duly appointed for the purpose by the said Company, may, at all reasonable times, enter any buildings or place lighted with Gas supplied by the said Company, in order to inspect the meters, fittings, and works for regulating the supply of Gas, and for the purpose of ascertaining the quantity of Gas consumed or supplied; and if any person hinder such officer as aforesaid from entering and making such inspection as aforesaid at any reasonable time, he shall, for every such offence, forfeit to the said Company a sum not exceeding fifty rupees.

IX. If any person supplied with Gas, or any person to whom any meter or fitting shall have been let for hire by the said Company, neglect to pay the rent due for the same to the said Company, the said Company may stop the Gas from entering the premises of such person, by cutting off the service-pipes, or by such means as the said Company shall think fit, and recover the rent due from such person, together with the expenses of cutting off the Gas, by action in any Court of competent jurisdiction.

X. In all cases in which the said Company are authorised to cut off and take away the supply of Gas from any house or building or premises under the provisions of this Act, the said Company, their agents or workmen, after giving twenty-four hours notice to the occupier, may enter into any building, or premises, between the hours of nine in the morning and four in the afternoon, and remove and carry away any meter, fittings, or other works, the property of the said Company.

XI. Any meter or fitting let for hire by the said Company shall not be subject to distrestment for rent, or any rate due upon the same, where the same may be used for any other purpose than for the supply of Gas, and shall not be liable to execution under any process of a Court of law or equity.

proceeding in Insolvency against the person in whose possession the same may be.

**XII.** Every person who shall lay, or cause to be laid, any pipe to communicate with any pipe belonging to the said Company, without their consent, or shall fraudulently injure any such meter as aforesaid, or who, in case the Gas supplied by the said Company is not ascertained by meter, shall use any burner other than such as has been provided or approved of by the said Company, or of larger dimensions than he has contracted to pay for, or shall keep the lights burning for a longer time than he has contracted to pay for, or shall otherwise improperly use or burn the Gas, or shall supply any other person with any part of the Gas supplied to him by the said Company, shall forfeit to the said Company the sum of fifty rupees for every such offence, and also the sum of twenty rupees for every day such pipe shall so remain, or such works or burner shall be so used, or such excess be so committed or continued, or such supply furnished; and the said Company may take off the Gas from the house and premises of the person so offending, notwithstanding any contract which may have been previously entered into.

**XIII.** Every person who shall wilfully remove, destroy, or damage any pipe, pillar, post, plug, lamp, or other work of the said Company for supplying Gas, or who shall wilfully extinguish any of the public lamps or lights, or waste or improperly use any of the Gas supplied by the said Company, shall, for each such offence, forfeit to the said Company any sum not exceeding fifty rupees, in addition to the amount of the damage done.

**XIV.** Every person who shall carelessly or accidentally break, throw down, or damage any pipe, pillar, or lamp belonging to the said Company, or under their control, shall pay such sum of money, or of satisfaction to the said Company for the damage done, as any Magistrate shall think fit, not exceeding fifty rupees, as any Magistrate shall think fit.

**XV.** Every person who shall at any time cause or suffer to be brought, or to flow into any stream, reservoir, aqueduct, pond, or place for water,

or into any drain communicating therewith, any washing or other substance produced in making or supplying Gas, or shall wilfully do any act connected with the making or supplying of Gas, whereby the water in any such stream, reservoir, aqueduct, pond, or place for water, shall be fouled, the said Company shall forfeit for every such offence a sum not exceeding one thousand rupees; and they shall forfeit an additional sum not exceeding

Daily penalty during the continuance of the offence.

five hundred rupees for each day during which such washing or other substance shall be brought or shall flow, or the act by which such water shall be fouled shall continue, after the expiration of twenty-four hours from the time when notice of the offence shall have been served on the said Company, by the person into whose water such washing or other substance shall be brought or shall flow, or whose water shall be fouled thereby; and such penalties shall be paid to such last mentioned person.

XVI. Whenever any Gas shall escape from any pipe laid

Daily penalty during escape of Gas after notice.

down or set up by or belonging to the said Company, they shall, immediately after receiving notice thereof in writing, prevent such Gas from escaping; and in case the said Company shall not, within twenty four hours next after service of such notice, effectually prevent the Gas from escaping, and wholly remove the cause of complaint, they shall for every such offence forfeit the sum of fifty rupees for each day during which the Gas shall be suffered to escape, after the expiration of twenty-four hours from the service of such notice.

XVII. Whenever any water shall be fouled by the Gas of the

Penalty if water be fouled by Gas.

said Company, they shall forfeit to the person whose water shall be so fouled, for every such offence a sum not exceeding two hundred rupees, and a further sum, not exceeding one hundred rupees for each day during which the offence shall continue, after the expiration of twenty-four hours from the service of notice of such offence.

XVIII. For the purpose of ascertaining whether

Power to examine Gas-pipes to ascertain cause of water being fouled.

be fouled by the Gas of the said Company, the person to whom the water so fouled shall belong, may dig up the ground, and examine the pipes, conduits, and works

of the said company; provided that such person, before proceeding so to dig and examine, shall give twenty-four hours' notice in writing to the said Company of the time at which such digging and examination is intended to take place, and shall give the like notice to the persons having the control or management of the road, pavement, or place where such digging is to take place, and they shall be subject to the like obligation of re-instating the said road and pavement, and the same penalties for delay, or any nonfeasance or misfeasance therein, as are hereinbefore provided with respect to roads and pavements broken up by the said Company, for the purpose of laying their pipes.

XIX. If upon any such examination, it appear that such water has been fouled by any Gas belonging to the said Company, the expenses of the digging, examination, and repair of the street or place disturbed in any such examination shall be paid by the said Company; but if upon such examination it appear that the water has not been fouled by the Gas of the said Company, the person causing such examination to be made, shall pay all such expenses, and shall also make good to the said Company any injury which may be occasioned to their works by such examination.

XX. The amount of the expenses of every such examination and repair, and of any injury done to the said Company, shall, in case of any dispute about the same, together with the costs of ascertaining and recovering the same, be ascertained and recovered in the manner prescribed for the ascertainment and recovery of expenses in Section VII. of this Act.

XXI. Nothing in this Act contained shall prevent the said Company from being liable to an indictment for nuisance, or to any other legal proceedings to which they may be liable in consequence of

not digging or supplying Gas.

XXII. A true and correct copy of the original Deed of Association of the said Company, and of every other instrument registered under the said "Joint Stock Companies Act, 1856," as constituting the Regulations of the said Company, and a copy of every special resolution of a General Meeting

Expenses to abide  
result of examination.

How expenses to  
be ascertained.

Liability to indictment  
for nuisance.

any copy of the original Deed of Association of the said Company, and of every other instrument registered under the said "Joint Stock Companies Act, 1856," as constituting the Regulations of the said Company, and a copy of every special resolution of a General Meeting

of Joint Stock Companies, or the Keeper of the Records of the Supreme Court at Fort William.

whereby any change shall have been, or at any time shall be made in the Regulations of the said Company, shall be kept at the office of the said Company in Calcutta, and shall there be open to the inspection of all persons during the usual hours of business of the said office; and a copy of such original Deed of Association, and of every other such instrument, and of every special resolution as aforesaid, shall also be deposited by the said Company as soon as it can be done after the passing of this Act, or after the making of any such special resolution hereafter to be made, in the office of the Registrar of Joint Stock Companies, or, if there be no such officer, in the office of the Keeper of the Records of the Supreme Court of Judicature at Fort William, and shall there be filed; and an examined copy of any such filed copy as aforesaid, certified by and under the hand of the Registrar of Joint Stock Companies, or of the Keeper of the Records of the said Supreme Court, shall be good and sufficient evidence of each such original Deed, instrument, or special Resolution, in all actions, suits, and proceedings whatsoever, whether civil or criminal, to be had in any Court of Justice or before any Magistrate, or Revenue or other Officer, and whether acting judicially or in any proceeding preliminary to a judicial inquiry, throughout the territories of the East India Company.

XXIII. All services of mesne or other process, and all notices whatsoever, which, by law or by the practice of any Court wherein the said Company shall sue or be sued, are required to be made, served, or given for any purpose whatsoever to the said Company, shall and may be made, served, and given, in addition to all ways and means by which the same may otherwise be legally made, served, and given, by leaving the same addressed to the Managing Agent of the said Company at the office in Calcutta of the said Company.

XXIV. All penalties and forfeitures imposed, and all damages and expenses the which is not specially provided for, recovered by summary proceeding before a Magistrate.

XXV. All penalties, forfeitures, damages, and expenses

Levy by distress.

adjudged due under this Act, if the amount be not otherwise paid, may be levied by distress and sale of the goods and chattels of the party liable to pay the same, and the overplus arising from such goods and chattels, after satisfying such amount and the expenses of the distress and sale, shall be returned on demand to the party whose goods shall have been distrained; or instead of proceeding by distress and sale, or in case of failure to realise by distress the whole or any part of any penalties, forfeitures, damages, or expenses imposed or incurred under the provisions of this Act, the person claiming such penalty, forfeiture, damage, or expenses may sue the person liable to pay the same in any Court of competent jurisdiction.

XXVI. No distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceeding relating thereto, nor shall any such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him; but all persons aggrieved by irregularity may recover full satisfaction for the special damage in any Court of competent jurisdiction.

XXVII. The following words and expressions used in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction (that is to say)—

Interpretation.

Words importing the singular number only shall include the plural number, and words importing the plural number only shall include also the singular number.

Words importing the masculine gender shall include females.

The word "person" shall include a corporation whether aggregate or sole.

The word "street" shall include any square, court, or alley, highway, lane, road, thoroughfare, or public passage or place.

The word "Magistrate" shall include any Magistrate of Police and any Joint Magistrate or other person lawfully exercising the powers of Magistrate, acting at or for the place or district where the matter requiring the cognizance of any such Magistrate arises.



## LAND FOR PUBLIC PURPOSES.

## ACT No. VI. OF 1857.

[Passed on the 1st May, 1857.]

*Recites expediency of making better provision for the acquisition of land for public purposes.*

1. *Laws repealed.*

2. *The Government may take any land on a simple declaration under the signature of a Secretary that it is required for public purposes.*

3. *After such declaration the Government shall direct the Collector to take order for the acquisition of the land.*

4. *The Collector shall then have the land marked out, measured and planned; and shall give three several notices—to the public—to the occupier—and to all such persons interested in it as shall reside in the Collectorate.*

5. *On the day fixed, the Collector shall enquire summarily into the value of the land and the compensation to be awarded, and, if all the persons interested who are in attendance agree with him, shall make an award which shall be conclusive. But the Collector may postpone the enquiry.*

6. *If no claimant attend, or if the Collector cannot agree with the persons interested who do attend, arbitrators shall be appointed.*

7. *The person deemed by the Collector to be in possession as owner, or in receipt of the rents as entitled thereto, shall be held to be the person interested in the land.*

8. *After award or reference to arbitration, the Collector may take immediate possession and the land shall thenceforth rest absolutely in Government.*

9. *In case of opposition the Magistrate is to enforce surrender.*

10, 11, 12, 13. *Regulate the appointment of arbitrators*

14. *With the written consent of all interested, the Collector may require, the arbitrators to determine the proportion of compensation due to each*

15. *Regulates the appointment of arbitrators to apportion compensations when the amount of compensation has been settled.*

16. *The Collector may exercise similar powers towards arbitrators as towards witnesses.*

17. *In default of award within a specified period, other arbitrators may be chosen.*

18. *The Collector shall assist and support the arbitrators.*

19. *Every witness before the arbitrators shall be examined solemnly*

20. *The award shall specify the amount, particulars and proportions of compensation and the persons entitled.*

21. *The remuneration of the arbitrators shall be fixed by the Collector, subject to superior authority.*

22. *Regulates costs.*

23. *The proceedings of the arbitration to be deposited in the Collector's office.*

24, 25. *Compensation awarded shall include damage done to adjoining land, but value and damage shall be specified separately.*

26. *Course of proceeding where land paying revenue to Government is taken.*

27, 28. *The amount of compensation is to be paid by the Collector either at the time of taking possession, or with interest at 6 per cent from that time, to the persons named in the award.*

29, 30. *The Collector, if he think proper, may hold the amount in deposit pending an order of Court.*

31. *An award shall only be reversed by an order of a Civil Court and on the ground of corruption or misconduct.*

32. *A part of a building shall not be taken without the rest.*

33. *In the case of roads, canals, &c the Secretary's declaration needs only declare the general direction of the line.*

34. *After declaration, persons authorised by the Collector may enter upon the land, survey it, clear it, if necessary, and mark out the line of road, but must not enter upon any building or enclosed garden without 24 hours' previous notice.*

35. *In such cases the Collector shall take account of damage necessarily done and offer immediate compensation.*

36. *Imposes fine on persons obstructing the setting out of lines of roads, canals, &c*

37. *Adjacent land may also be occupied temporarily, subject to compensation.*

38. *Trustees, married women, guardians of minors and committees of lunatics and idiots shall have full powers to act.*

39. *Interpretation Clause.*

**An Act for the acquisition of land for public purposes.**

Whereas it is expedient to make better provision for the acquisition of land needed for public purposes within the territories in the possession and under the government of the East India Company, and for the determination of the amount of compensation to be made for the same: It is enacted as follows:—

I. Section I. to VII. inclusive, Regulation I. 1824 of the Bengal Code; so much of Act XXVIII. of 1839 as is in force; Act I. of 1850; Act XXV. of 1850; Act XLII. of 1850; Act XX. of 1852; and Act I. of 1854—are hereby repealed, except so far as they repeal the whole or any part of any other Regulation or Act, and except as to suits or proceedings commenced, contracts made, acts done, and liabilities incurred before the passing of this Act.

Laws repealed.

II. Whenever it appears to the local Government that any land is required to be taken by Government

Land may be taken by Government under the provisions of this Act after declaration made that it is required for a public purpose.

at the public expense for a public purpose, a declaration shall be made to that effect under the signature of a Secretary to the Government or of some officer duly authorised to certify the orders of the Government, and such declaration shall be conclusive evidence that the purpose for which the land is needed is a public purpose; and after making such declaration, the Government may take any such land in the manner hereinafter provided.

III. Whenever any land shall have been declared to be so required for a public purpose, the Government shall direct the Collector of the district or some other officer specially appointed

After declaration, Collector shall be directed to take order for acquisition of land as hereinafter provided.

in that behalf, to take order for the acquisition of the land in the manner hereinafter provided.

IV The Collector or other officer shall thereupon cause the land to be marked out and measured, and

Collector shall cause the land to be marked out and measured and a plan to be made of the same, and give notice to all persons interested in the land.

a plan to be made of the same. After the land has been so marked out and measured, he shall cause a notice to be affixed in some conspicuous place upon the land, and published by proclamation in the neighbouring bazars and villages, to the effect that the land is about to be taken by Government for a public purpose; and shall also give notice to the same effect to the occupier (if any) of such land, and to all such persons, known or believed to be interested therein or to be entitled by Section XXXVIII. of this Act to act for persons so interested, as shall reside or have agents within the Collectorate or other Revenue District in which the land is situate, by serving such notice on such persons or their agents. Such notice shall contain a citation calling on all persons interested in the land to appear personally or by agent at a time and place therein mentioned, such time not being less than fifteen days after the date of publication of the notice, and to state the nature of their interests in the land and the amount and particulars of their claims to compensation for the same.

V. On the day fixed, the Collector or other officer shall

Collector to enquire into the value of the land, and the amount of compensation to be awarded

Collector to make award which shall be conclusive.

proceed to enquire summarily into the value of the land and the amount of compensation to be awarded: and if he and all the persons interested who have attended in pursuance of the notice agree as to the amount of compensation to be allowed, shall make an award for the same; and if the said persons agree also in the apportionment of the compensation, such apportionment shall be specified in the award. The award shall be final and conclusive in regard to the value of the land and the amount of compensation for the same; and also in regard to the apportionment (if any) of the compensation among the persons who have agreed thereto. The Collector or other officer may, if no claimant shall attend pursuant to the notice, or if he shall think fit for any other cause, postpone the enquiry to a day to be fixed by him and notified in the manner provided in the preceding section.

Postponement of enquiry.

VI. When the Collector or other officer proceeds to make the enquiry as aforesaid, whether on the day originally fixed for the enquiry or on the day to which the enquiry may have been postponed, if no claimant shall attend, or if the said Collector or other officer shall be unable to agree with the persons interested who have attended in pursuance of the notice as to the amount of compensation to be allowed, the matter shall be referred to the determination of arbitrators to be appointed in the manner hereinafter provided.

VII. If upon the said enquiry any question arise, respecting the title to the land or any rights or interests therein, between two or more persons making conflicting claims in respect thereof, the person deemed by the Collector or other officer to be in possession as owner, or in receipt of the rents as being entitled thereto, shall, for the purpose only of taking such measures as may be necessary for fixing the value of the land and the amount of compensation to be allowed for the same, be held as between such persons to be the person interested in the land.

Who shall be deemed to be interested in the land in cases of conflicting claims.

VIII. When the Collector or other officer has made an

After Collector's award or reference to arbitration, possession may be taken and the land shall be vested absolutely in the Government.

other estates, rights, titles, and interests.

**IX.** If the Collector or other officer is opposed or impeded in taking possession of such land, he shall apply to the Magistrate who shall enforce the surrender of the land.

Magistrate to enforce surrender of land.

**X. Clause 1.** When any case is referred to arbitration, the Collector or other officer, and the person interested in the land, shall, unless they concur in the appointment of a single arbitrator, each appoint one arbitrator; if there be several persons having a joint interest in the land, and they cannot agree in the appointment of an arbitrator, such disagreement shall be deemed a refusal to appoint within the meaning of the next following section.

Appointment of arbitrators.

**Clause 2.** If there be several persons having distinct and separate interests in the land, and they cannot agree in the appointment of an arbitrator on their behalf, it shall be competent to the Collector or other officer (subject to the orders of the Commissioner or other superior Revenue authority) to refer the question of the compensation to be allowed for each of such distinct and separate interests to a separate arbitration, or to select any one of the persons interested whose interest appears to him to qualify such person to represent the others; and the person so selected shall appoint an arbitrator on behalf of all the persons interested.

In every case the appointment shall be in writing, and neither of the parties to the arbitration shall have power to revoke the same without the consent of the other.

**XI.** If no claimant shall have attended, or if the persons interested in the matter in dispute or authorised to act in that behalf, refuse or neglect for the period of fifteen days to appoint an arbitrator, then a single arbitrator appointed by the Collector or other officer shall arbitrate the matter. Provided that the person so appointed shall not be an officer of Government.

If no claimant attend, or if no arbitrator be appointed by the persons interested, the arbitrator appointed by the Collector shall proceed to arbitrate.

Proviso.

**XII.** When more than one arbitrator shall be appointed, the arbitrators shall, before they enter upon the matter referred to them, nominate and appoint by writing a third person to act with them as arbitrator; and in case the arbitrators shall neglect to appoint such third person for a period of one week after having been required to do so, the Collector or other officer shall appoint a third arbitrator.

**XIII.** If any person, on being appointed an arbitrator, shall refuse to act, or, after accepting the appointment, shall die or become incapable of acting, another person shall be appointed in his stead, in the same manner in which the first person was appointed.

**XIV.** When the amount of compensation is referred to arbitration, it shall be competent to the Collector or other officer, with the written consent of all the persons interested, to require the arbitrators to determine the proportions in which all such persons are entitled to share in the amount awarded.

**XV.** When the Collector or other officer and the persons interested in the land agree as to the amount of compensation, or when such amount shall have been settled by arbitration, if any dispute shall arise as to the apportionment of the same or any part thereof, it shall be competent to the Collector or other officer, with the written consent of all persons interested in the matter in dispute, to refer the same to arbitration. If the parties cannot agree with respect to the nomination of the arbitrators, or if the persons nominated by them shall refuse to accept the arbitration, or, having accepted it, shall refuse to act, and the parties are desirous that the nomination shall be made by the Collector or other officer, he shall appoint some proper person or persons to arbitrate the matter. The provisions of this Act relating to arbitrators appointed under Sections X. and XI. and to the proceedings of such arbitrators shall be applicable to persons appointed arbitrators under this section.

**XVI.** After the arbitrators have accepted the appointment,

*Collector to exercise certain powers for securing attendance of arbitrators and completion of award.*

the Collector or other officer shall be competent to exercise towards them such powers and authority for securing their attendance and the due completion of their award, as the Collector may legally exercise towards witnesses summoned before him when acting judicially for the purpose of compelling them to attend and give evidence.

**XVII.** If no award be made within a period to be fixed for

*In default of award within a specified period, other arbitrators may be chosen.*

that purpose by the Collector or other officer, he may order that the matter shall be referred to another arbitrator or other arbitrators to be chosen in the same manner and subject to the same rules as the first.

**XVIII.** The Collector or other officer shall furnish the

*Collector to furnish information to the arbitrators, and to enforce the attendance and examination of witnesses, &c.*

arbitrators, or so far as may be in his power procure for them, any information which his records or those of any public department may afford connected with the subject of enquiry. He shall, on the application of the arbitrators, summon any witnesses whom the arbitrators may call for and whom the parties may not be able to produce before them without such process, and require the persons so summoned to bring and produce before them all such books, papers, deeds, writings, maps, and plans as they shall require. Persons so summoned shall be subject to all the provisions of the laws in force regarding persons summoned as witnesses before the Collector when acting judicially.

**XIX.** Every witness examined before the arbitrators shall be

*Witnesses to be examined upon oath, &c., before arbitrators.*

examined upon oath or affirmation to be administered by or made before the said arbitrators.

**XX.** On the close of the enquiry, the arbitrators or a majority of them shall deliver a full and complete

*Award of the arbitrators.*

award in respect of the matter referred to them, and shall therein specify (as the nature of the case may require) the amount and particulars of compensation awarded by them, the persons entitled to compensation, and the proportions in which they are so entitled.

**XXI.** The arbitrators on making their award shall be enti-

Remuneration of  
arbitrators.

tled to reasonable fees for their services the amount of which shall be fixed by the Collector or other officer subject to the orders of the Commissioner or other superior Revenue authority.

Costs.

XXII. The award shall declare the costs of the arbitration and by whom and in what proportion they shall be paid. All costs, including the fees of the arbitrators, incurred for the purpose only of determining the amount of compensation to be allowed for the land, shall be charged to the Government, unless the arbitrators shall award as compensation the same or a less sum than shall have been offered by the Collector or other officer, in which case each party shall bear his own costs so incurred and shall also pay a moiety of the fees of the arbitrators. Costs incurred for determining the apportionment of the compensation among the persons interested shall be paid by such persons in such proportions as the arbitrators shall direct.

XXIII. The proceedings of the arbitration shall be deposited in the office of the Collector or other officer; and every person interested therein shall be entitled to a copy of the award on plain paper under the seal and signature of the Collector or other officer, which copy shall be *prima facie* evidence thereof.

XXIV. When any land is taken under the provisions of this Act, the amount of compensation to be awarded shall include any damage which may be sustained by any of the persons interested therein in respect of any adjoining land held therewith.

XXV. If any compensation beyond the value of the land be awarded on account of any damage which may be sustained by any person interested in the land, the award shall specify the value of the land and the amount of such damage separately, and also the name of the person to whom compensation for damage is awarded.

XXVI. When any land taken under this Act forms part of an estate paying revenue to Government, the award shall specify the net rent of the land including the Government Revenue, and the

Proceedings of the  
arbitration to be de-  
posited in the Collec-  
tor's office.

Compensation to in-  
clude damage done to  
adjoining land.

If compensation be  
awarded for damage,  
the value of the land  
and the amount of da-  
mage to be specified  
separately.

Proceedings where  
land paying revenue  
to Government is  
taken.



computed value of such rent: and it shall be at the discretion of the Revenue authorities either to pay over the whole of such value to the owner of the estate on the condition of his continuing to pay the jumma thereof without abatement, or to determine what proportion of the net rent shall be allowed as a remission of revenue, in which case a deduction shall be made from the said value proportionate to the value of such remission.

**XXVII.** When the amount of compensation to be paid for land taken under the provisions of this Act is determined by the award of the Collector or other officer under section V. he shall pay the amount awarded at the time when possession is taken of the land on account of Government. When the compensation is determined by the award of arbitrators under section XX. the Collector or other officer shall pay the amount awarded with interest at the rate of 6 per centum per annum from the time when possession was taken of the land on account of Government.

**XXVIII.** Except, as provided in the next following section, payment of the compensation shall be made, according to the award, to the persons named therein. Provided always that nothing in this Act contained shall affect the liability of any person who may receive the compensation awarded for any land or any portion of such compensation to pay the same to the person lawfully entitled thereto.

**XXIX.** If there exist any ground, which, in the judgment of the Collector or other officer, renders it improper to make immediate payment of the compensation, or of any portion thereof, to any of the persons having or claiming any interest in the land or in the compensation awarded in respect thereof, the amount, or such portion of the amount as he may deem sufficient shall be invested in Government Securities, and held in deposit until an order of Court shall be obtained for the payment thereof. Such order shall be obtained in the Court which would have had jurisdiction in respect of the land taken.

**XXX.** If the land taken be within the local limits of any of

Amount of compensation when and how to be paid.

Payment of compensation to whom to be made.

PROVIDO.

Payment of compensation may in certain cases be deferred.

Amount to be held in deposit until an order of Court is obtained for payment thereof.

In certain cases the Small Cause Court may order payment.

Her Majesty's Supreme Courts of Judicature, and the amount of compensation awarded do not exceed five hundred rupees, the order may be made by the Court of Small Causes.

Reversal or alteration of award.

XXXI. No award of arbitrators made in accordance with the provisions of this Act, shall be liable to be reversed or altered, except by the decision of a Civil Court on the ground of corruption or misconduct of the arbitrators. In case the award shall be so reversed, the matter shall be referred to another arbitrator or other arbitrators to be appointed in the same manner as the first. All suits to set aside an award under this Act shall be instituted within three months from the date of the award.

A part of a house or building not to be tak

XXXII. The provisions of this Act shall not be put in force for the purpose of acquiring a part only of any house or other building or manufactory, if the owner desire that the whole of such house, building, or manufactory shall be taken.

When land is needed for a road, canal, &c., only the general direction of the line shall be declared.

XXXIII. Whenever any land is needed for a road, canal, railway, or the like, and the local Government makes the declaration provided in Section II. it shall not be necessary to specify the extent, limits, or position of the land, but it shall be sufficient to declare the general direction of the line of the work and the average breadth of the land required for the same.

After declaration, persons authorised may enter upon the land and make a survey.

XXXIV. When any declaration has been made under the provisions of section II. of this Act, the Collector or other officer may authorise any person, with his servants and workmen, to enter upon the land for the purpose of making a survey thereof; and in the case of a road, canal, or railway, to set out the intended line thereof, and to mark such line

Line of road may be marked out.

by cutting a trench or placing land-marks; and where otherwise the survey cannot be completed, and the line marked, to cut down and clear away any part of any jungle or tope of trees in the direction of the intended line. Provided

Land may be cleared.

that no person shall enter into any house or building or upon

Previous notice of entry to be given to occupiers of houses, &c.

the curtilage of any house or any enclosed garden (unless with the consent of the occupier thereof) without previously giving the said occupier twenty-four hours' notice of his intention to do so.

**XXXV.** It shall be the duty of the Collector or other officer to take account of all necessary damage done as aforesaid, and forthwith to offer payment for the same to the persons interested. In case the offer is not accepted, the damage shall be allowed for in the compensation to be awarded.

Account of damage to be taken and payment to be offered.

**XXXVI.** Whoever wilfully obstructs any person in lawfully setting out the line of any road, canal, or railway, or wilfully destroys, damages, or displaces any landmark, or effaces or fills any trench intended to mark such line, shall, on conviction, be liable to be imprisoned for any term not exceeding six months, or to fine not exceeding two hundred rupees, or to both.

Obstruction to setting out line of work, &c.

**XXXVII.** The powers of this Act shall extend, in the case of any road, canal, or railway, to authorise the temporary occupation of any land not more than one hundred yards from the centre line of the road, canal, or railway, as marked on the ground, for taking earth or other materials for making or repairing the road, canal, or railway, or for depositing thereon superfluous earth or other materials, or erecting temporary buildings and workshops thereon; and of any land which may be needed for making temporary roads, from any public road to the intended line of railway; and for the temporary occupation of any such land, and for any permanent damage done by such occupation and use of the land, including the full value of all clay, stone, gravel, sand, and other materials taken thence, compensation shall be paid to and among all persons having an interest therein, to be ascertained, in case of disagreement, in the same manner as compensation for land permanently taken.

Temporary occupation of adjacent land.

Compensation for temporary occupation.

**XXXVIII.** In any proceedings under this Act the following persons shall be deemed persons entitled to act as and to the extent hereinafter provided, (that is to say)—a trustee or trustees

Trustees, committees of lunatics, &c. empowered to act.

for other persons beneficially interested shall in all cases be deemed the person or persons entitled to act with reference to any such proceedings, and that to the same extent as the persons beneficially interested could have acted if free from disability. A married woman, in cases to which the English law is applicable, shall be deemed the person so entitled to act, and, whether of full age or not, to the same extent as if she were unmarried and of full age. The guardians of minors and the committees of lunatics or idiots shall be deemed respectively the persons so entitled to act to the same extent as the minors, lunatics, or idiots themselves, if free from disability, could have acted.

XXXIX. The following words and expressions in this Act shall have the several meanings hereby assigned to them, unless there be something either in the subject or context repugnant to such construction (that is to say)—

The words “the local Government” shall mean the person or persons for the time being immediately administering the Executive Government of that portion of the territories in the possession and under the government of the East India Company in which the land in question is situate; and shall include any Chief Commissioner or other chief civil officer of a province whom the Governor General in Council may authorise to exercise the powers vested by this Act in the local Government.

The word “land” shall extend to tenements and hereditaments of any tenure, and all houses, buildings, trees, or appurtenances thereupon, as well as land.

The expression “person interested in the land” shall include all persons interested in the land either for life or for years, or in remainder, reversion, or succession, and all mortgagees, leaseholders, or tenants, not being tenants by the month, or at will, of such land.

Words importing the singular number only shall include the plural, and words importing the plural number only shall include the singular.

Words importing the masculine gender only shall include females.

The word “person” shall include a corporation.

## MADRAS. UNCOVENANTED AGENCY.

## ACT NO. VII. OF 1857.

[Passed on the 1st May, 1857.]

*Recites necessity of employing uncovenanted officers more extensively in Madras.*

1. *Permits the Governor in Council to appoint uncovenanted Deputy Collectors and Deputy Magistrates in any Zillah.*

2. *Such officers to subscribe the same oath or declaration as Assistant Collectors and Assistant Magistrates.*

3, 4. *A Deputy Collector or Deputy Magistrate may perform such of the duties and exercise such of the powers of a covenanted Assistant as shall be assigned to him and shall be subject to the same control.*

5. *One officer may hold both offices.*

6. *Such officers shall not be dismissed without the sanction of the Governor in Council.*

An Act for the more extensive employment of uncovenanted agency in the Revenue and Judicial Departments in the Presidency of Fort Saint George.

Whereas the exigencies of the public service require the more extended employment of uncovenanted officers in the Revenue and Judicial Departments in the Presidency of Fort Saint George; It is hereby enacted as follows:—

**I.** The Governor of Fort Saint George in Council may appoint, in any zillah or district within the said Presidency, one or more uncovenanted Deputy Collectors and Deputy Magistrates with the powers hereinafter mentioned.

*Governor in Council may appoint uncovenanted Deputy Collectors and Deputy Magistrates.*

**II.** Every person appointed a Deputy Collector or Deputy Magistrate under this Act shall, before entering upon the duties of his office, make and subscribe an oath or declaration in writing to the same effect as the oath prescribed by law for Assistant Collectors and Assistant Magistrates respectively.

*Oath or declaration in writing to be made by the officers so appointed.*

**III.** A Deputy Collector appointed under this Act may, within the district to which he is appointed, perform such of the duties and exercise such of the powers of a covenanted Assistant Collector

*Duties and powers of a Deputy Collector.*

as shall be assigned to him from time to time by the Collector of such districts; and shall be subject to the same control in all respects as a covenanted Assistant Collector is subject to.

IV. A Deputy Magistrate appointed under this Act may, within the district to which he is appointed, perform such of the duties and exercise such of the powers of a covenanted Assistant Magistrate as shall be assigned to him from time to time by the Magistrate of such district; and the decisions and orders of such Deputy Magistrate shall be subject to the same rules, as respects appeals, as are or may be provided in the case of the orders and decisions of covenanted Assistant Magistrates.

V. Nothing in this Act contained shall be held to disqualify any uncovenanted officer appointed under this Act from holding at the same time the offices of Deputy Collector and Deputy Magistrate.

VI. A Deputy Collector or Deputy Magistrate appointed under this Act shall not be dismissed from office without the sanction of the Governor in Council. Whenever there may be reason to believe that a Deputy Collector or Deputy Magistrate is disqualified by neglect, incapacity, or corruption for continuance in office, a report shall be submitted by the Collector or Magistrate through the proper channel for the consideration and orders of the Governor in Council, who shall be competent to suspend such Deputy Collector or Deputy Magistrate and order a further enquiry into his conduct, or to direct his immediate dismissal, as may appear just and proper.

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### COURTS MARTIAL.

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### ACT NO. VIII. OF 1857.

[Passed on the 16th May, 1857.]

*Recites expediency of facilitating punishment of offences in the Native Army.*

1. *The Governor General in Council may empower Officers having command of troops to appoint General or District or Garrison Courts Martial, and to confirm and carry out, or to commute, mitigate, remit or refer the sentences thereof.*

2. *General Courts Martial shall be appointed by the Senior Officer on the spot; shall consist of not less than five members, and wholly of European or of Native Officers as the order in Council shall direct; and shall have all the powers specified in the 75th Article of War.*

3, 4. *Confirm General Order No. 677 of 1857 of the Governor General in Council, but allow the same to be altered or countermanded by the Governor General in Council*

### An Act to amend Act XIX. of 1847.

Whereas it is expedient to facilitate the trial and punishment of offences against the Articles of War for the Native Army: It is enacted as follows:—

Preamble.

I. It shall be lawful for the Governor General of India in Council from time to time, by Order in Council, to empower every General or other Officer having the command of troops in the service of Her Majesty or of the East India Company, or any of such General or other Officers, to appoint General or District or Garrison Courts Martial for the trial of persons amenable to the Articles of War to the Native troops of any of the Officers, soldiers, or followers in the service of the East India Company, being natives of the East Indies or of other places within the limits of the said Company's Charter, and amenable to the Articles of War for the Native troops, who may be charged with any offence punishable by the said Articles of War, which, in the judgment of such General or other Officer, requires to be punished without delay; and also to confirm and carry into effect, immediately or otherwise, any sentence of such Court Martial; or to commute, mitigate, or remit any such sentence; or, in case he shall deem it necessary so to do, to refer any such sentence to the Commander-in-Chief for his orders thereon.

Governor General in Council may empower General or other Officers having the command of troops to appoint General or District or Garrison Courts Martial for the trial of persons amenable to the Articles of War to the Native troops

II. Any General Court Martial, which may be appointed under the authority of this Act, shall be appointed by the Senior Officer on the spot, and shall consist of not less than five Commissioned Officers, the number to be fixed by the General or other Officer appointing the Court Martial. The Order in Council may direct that a General Court Martial to be appointed under the provisions of this Act, shall

General Courts Martial to be appointed by the Senior Officer on the spot, and to consist of not less than five Members.

The Order in Council may direct that General Courts Martial shall consist wholly of European or of Native Commissioned officers,

Native Officers.

• Powers of General Courts Martial appointed under this Act

consist wholly of European Commissioned Officers or of Native Commissioned Officers; and in such case, the Officer appointing the Court Martial shall determine whether the same shall consist of European Officers or of Native Officers. Every General Court Martial appointed under the authority of this Act shall have all the powers of a General Court Martial specified in the 75th Article of War for the Native Army;

and sentence of death, or other punishment to which the offender is liable by the said Articles of War, may be given by such Court Martial, if a majority of the members present concur in the sentence.

III. General Order No. 677 of 1857, made by the Governor

General Order of Governor General in Council, Military Department, No. 677 of 1857, confirmed.

General in Council in the Military Department, and bearing date the 14th of May 1857, is hereby confirmed; and the same shall have the force and effect of law, and shall be deemed

to have had such force and effect from the date thereof.

Or said General Order may be countermanded or altered.

IV. It shall be lawful for the Governor General in Council to countermand or alter the said General Order, or any Order in Council which may be issued under the authority of

this Act.

# PATENT LAW.

## ACT NO. IX. OF 1857.

[Passed on the 20th May, 1857.]

*Recites that the Court of Directors have disallowed Act VI of 1856 and repeals it.*

An Act to repeal Act VI. of 1856.

Whereas the Court of Directors of the East India Company have, in pursuance of the power vested in them by law, disallowed Act VI. of 1856, and have signified to the Governor General of India in Council their disallowance thereof: It is enacted as follows:—

Preamble.

Act repealed

I. Act VI. of 1856 is hereby repealed.



**SONTHAL DISTRICTS.****ACT NO. X. OF 1857.**[*Passed on the 20th May, 1857.*]

*Recites expediency of making alterations in respect to the districts made Non-Regulation districts by Act XXXVII of 1855.*

1. *The provisions of Act XXXVII. 1855 to be applicable only to the districts described in the Schedule to this Act.*

**An Act to amend Act XXXVII. of 1855.**

**Whereas by Act XXXVII. of 1855 certain districts described**

**Preamble.** in the Schedule to the said Act were removed from the operation of the general Regulations and Acts; and whereas it is expedient to make certain alterations in respect to the districts so removed: It is enacted as follows:—

**I.** So much of Act XXXVII. of 1855, as removes from the operation of the general Regulations of the Bengal Code, and Acts of the Government of India, the districts described in the schedule thereto, and the said schedule, are hereby repealed, except as to any proceedings pending at the time of the passing of this Act; and all the provisions of the said Act, which are applicable to the districts described in the said schedule, shall, after the passing of this Act, be applicable only to the Districts described in the schedule to this Act, in the same manner as if the schedule to this Act had been the schedule to Act XXXVII. of 1855.

**SCHEDULE.**

**The Damun-i-Koh.**

So much of Pergunnah Bhaugulpore and of Pergunnah Suttieare as lies East of the Gerooah Nuddee and South of a line drawn Eastward from Humza Chuck to the village of Dighee.

Pergunnah Teleeagurhee.

ZILKAR BHAUGULPORE.

„ Junnoonee.  
 „ Chetowleah.  
 „ Kankjole.  
 „ Bahadurpore.  
 „ Akbernugger.  
 „ Inayutnugger.  
 „ Mukraen.  
 „ Sooltangunge.

Except such parts of them as are next or may hereafter situate on the left bank of the main stream of the Ganges, so that in any change in the course of the river the main stream shall be the boundary.

ZILAH RUDRIGUPORE	Pergunnah UMBER.	Except such detached villages as lie within the general boundaries of Pergunnahs not mentioned in this schedule.
	„ Sooltanabad.	
	„ Godda.	
	„ Umloo Mooteah.	
	„ Pussye.	
	„ Hendwa.	
ZILAH BULDAHNA	Tuppeh Munceharee.	
	„ Belputta.	
	Pergunnah Pubbia.	
	Tuppeh Saruth Deoghur.	
	„ Kundit Kurayeh.	
ZILAH BULDAHNA	„ Mohumlabad.	
	Such part of Pergunnah Dureen Mo-	
	lisser as lies North of the Chilla or	
	Chundun Ghat Nullah.	

Such detached portions of other Pergunnahs and Tuppehs as lie within the general boundaries of any of the above-mentioned Pergunnahs and Tuppehs.

Such portions of Pergunnahs belonging to Maldah and Purneah below the village of Khederpore in Pergunnah Teleagunhee, as are now or may hereafter be situate on the right bank of the main stream of the Ganges.

#### STATE OFFENCES.

#### ACT NO. XI. OF 1857.

[*Passed on the 30th May, 1857.*]

*Recites expediency of providing for the prevention, trial and punishment of state offences.*

1, 2. *Impose on all who once allyance the penalty of death, or transportation for life, or imprisonment for 14 years, for rebellion or instigation or abetting of rebellion; and of imprisonment for seven years for harbouring or concealing rebels.*

3. *The Government, after proclaiming any district to be in a state of rebellion, may issue a Commission for the trial of all offenders against the state or against person or property, and such Court may be held in any part of the district named.*

4. *The Government may by such Commission dispense with the attendance of Law Officers, the assistance of Assessors, and appeals to the Sudder.*

5 Any Magistrate within the district named may commit to such Court for trial

6 Act not to apply to British subjects.

7 The Government may prohibit the carrying or possession of arms by any person or class of persons

8 Imposes fine, confiscation or imprisonment for the unlawful possession of arms.

9 Magistrate may issue search-warrants for arms

10. The Government may exempt certain persons

11. Interpretation clause.

An Act for the prevention, trial, and punishment of offences against the State.

Whereas it is necessary to make due provision for the prevention, trial, and punishment of offences against the State: It is enacted as follows: --

**I.** All persons owing allegiance to the British Government who, after the passing of this Act, shall rebel, or wage war against the Queen or the Government of the East India Company, or shall attempt to wage such war, or shall instigate or abet any such rebellion or the waging of such war, or shall conspire so to rebel or wage war, shall be liable, upon conviction, to the punishment of death, or to the punishment of transportation for life, or of imprisonment with hard labor for any term not exceeding fourteen years: and shall also forfeit all their property and effects of every description.

Imprisonment for rebellion or for waging war against the Government

Provided,

that nothing contained in this section shall extend to any place subject to Regulation XIV. of 1827 of the Bombay Code.

**II.** All persons who shall knowingly harbour or conceal any person who shall have been guilty of any of the offences mentioned in the preceding section shall be liable to imprisonment, with or without hard labor, for any term not exceeding seven years, and shall also be liable to fine.

Punishment for harbouring or concealing offenders.

**III. Clause 1.**—Whenever the Executive Government of any presidency or place within the said territories shall proclaim that any district subject to its Government is or has been in a state of rebellion, it shall be lawful for such government to issue a Commission for the trial of all

Executive Government may issue a Commission for the trial of persons charged with certain offences in any proclaimed district.

persons who shall be charged with having committed within such district, after a day to be specified in the Commission, any of the crimes mentioned in the preceding sections, or any other crime against the State, or murder, arson, robbery, or other heinous crime against person or property.

*Clause 2.*—The Commissioner or Commissioners authorised by any such Commission may hold a Court in any part of the said district mentioned in the Commission, and may there try any person for any of the said crimes committed within any part thereof; it being the intention of this Act, that the district mentioned in the Commission shall, for the purpose of trial and punishment of any of the said offences, be deemed one district.

IV. It shall be lawful for the Executive Government, by such Commission, to direct that any Court held under the Commission, shall have power, without the attendance or *futwa* of a Law Officer, or the assistance of Assessors, to pass upon every person convicted before the Court of any of the aforesaid crimes any sentence warranted by law for such crime; and that the judgment of such Court shall be final and conclusive; and that the said Court shall not be subordinate to the Sudder Court.

V. If a Commission be issued under the authority of this Act, any Magistrate within the district which is described in the Commission may commit persons charged with any of the aforesaid crimes within such district for trial before a Court to be held under this Act.

VI. Nothing in this Act shall extend to the trial or punishment of any of Her Majesty's natural-born subjects born in Europe, or the children of such subjects.

VII. Whenever the Executive Government shall deem it necessary for the public safety, it shall be lawful for such Government to declare, by proclamation, that from and after a day to be named therein, it shall not be lawful for any person, or for any specified class of persons, to carry or have in their

possession any arms or instruments used for warlike purposes, or any specified description of arms or instruments aforesaid within any district mentioned in the proclamation.

VIII. After the day named in the proclamation, whoever shall carry, or have in his possession, any arms or other such instrument as aforesaid contrary to the proclamation, shall be liable, on conviction before a Magistrate, to a fine not exceeding fifty rupees, or to imprisonment for a period not exceeding six months; and the arms or other such instrument as aforesaid shall be confiscated.

IX. It shall be lawful for a Magistrate, by warrant, to cause search to be made in any house or other place in which there may be reasonable grounds for suspecting that any arms or other such instrument as aforesaid, kept contrary to the proclamation, may be found; and any such arms or instrument may be seized and confiscated.

X. Nothing in sections VII. VIII. and IX. of this Act shall extend to any person who may be exempted by the authority of the Executive Government from the prohibition contained in such proclamation.

XI. The word "Magistrate" in this Act shall include any person lawfully exercising the powers of a Magistrate and any Assistant to a Magistrate or Deputy Magistrate specially authorised by the Executive Government to exercise the powers vested in a Magistrate by this Act.

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#### STRAITS SETTLEMENT. PIRATICAL JUNKS.

#### ACT NO. XII. OF 1857.

[*Passed on the 29th May, 1857.*]

*Recites belief that Junks periodically visit the Straits, under cover of trade, to equip for piratical purposes.*

1. *Authorises the chief resident civil authority to issue in writing a search-warrant and order of enquiry, and imposes a penalty for the obstruction of such search or enquiry.*

2. *On solemn proof of reasonable cause for suspicion, the chief resident civil authority may issue a warrant for the seizure of any Junk.*

3. *Such seizure to be reported to the Governor forthwith.*

4. *Empowers the chief resident civil authority to summon in writing the master or crew as witnesses, and imposes fine or imprisonment or both for neglect or disobedience.*

5. *Proceedings for the condemnation of the vessel must be commenced within six months after seizure or the vessel and property must be released.*

6. *Empowers the chief resident civil authority to prevent a suspected vessel from proceeding to sea with an unnecessarily strong armament.*

7. *Damages not to be recovered for seizure on reasonable grounds, but proceedings may be had in any division of an admiralty or vice admiralty Court for condemnation or restitution of the vessel, and the vessel may be condemned without a previous conviction of the owner for piracy.*

An Act to authorise the arrest and detention, within the ports of the Settlement of Prince of Wales' Island, Singapore, and Malacca, of Junks or Native Vessels suspected to be piratical.

Whereas there is reason to believe that certain Junks periodically visit the ports of the said Settlement ostensibly for the purposes of trade, but in reality to equip, arm, and fit themselves out for the purpose of making piratical attacks on peaceful trading vessels, in the vicinity of the Straits of Malacca, and elsewhere: It is hereby enacted as follows:—

1. The chief resident civil authority of any station of the

said Settlement may, by an order in writing signed by him, at any time and as often as he shall deem it expedient, direct any public officer to proceed on board any Junk or other Native Vessel being in any port or place

Penalty for obstructing search or enquiry ordered by the Chief Resident Civil Authority in respect of any Junk or Native Vessel.

within the limits of the said station, and to search such vessel, and to take an account of the armament thereof, and to make such further and other enquiry and investigation into the objects, pursuits, and movements of the master or person in charge of such Junk or Vessel as the said chief civil authority shall think fit; and any person who shall hinder, obstruct, or in any wise prevent such search, investigation, or enquiry, or shall obstruct such public officer, or any person acting in his aid or assistance, in the discharge of his duty—shall, on conviction before a Magistrate or Police, be liable to a fine not exceeding five hundred

rupees, or to imprisonment, with or without hard labor, for a term not exceeding six calendar months, or to both.

II. Whenever it shall be proved, by oath or affirmation, to the satisfaction of the chief resident civil authority of any of the said stations, that there is reasonable cause to suspect that any Junk or Vessel in any port or place within the limits of the said station/ is a piratical vessel, or belongs to pirates, or is intended to be used for piratical purposes or for the purpose of knowingly trading with or supplying pirates, he may, by an order in writing signed by him, cause such Junk or Vessel, together with her tackle, apparel, and furniture, arms, stores, and ammunition, and the goods and merchandize laden therein, or any portion thereof, to be seized and detained.

III. Whenever any such Junk or Vessel, furniture, arms, stores, ammunition, goods, or merchandize, shall be seized and detained under the provisions of this Act, the chief resident civil authority shall report the circumstance, as soon as possible, to the Governor of the said Settlement, who shall give orders as to the detention or release of such Junk or Vessel or other things so seized or detained.

IV. The chief resident civil authority at any of the said stations may, by order in writing signed by him, summon the master, or person in charge, and any of the crew, of any such Junk or Vessel which he may have reasonable cause to suspect as aforesaid, or any other person, to attend before him, and to produce any document in his possession, and may examine such persons upon oath or affirmation to be administered by him, touching any matter which may appear to be material for the purpose of ascertaining whether the said vessel is a piratical vessel or belongs to pirates, or is intended to be used as aforesaid. Every person so summoned, who refuses or neglects to attend or make answer, or to produce any document in his possession, concerning the matters hereby authorised to be inquired into, or who wilfully gives false evidence or otherwise misbehaves in giving or refusing to give evidence, shall be liable,

on a conviction before a Magistrate of Police, to a fine not exceeding five hundred rupees, or to imprisonment, with or without hard labor, for a term not exceeding six calendar months, or to both.

V. No Vessel or other things seized or detained in pursuance of the provisions herein contained, and no property on board thereof, shall be detained for a longer period than six months, unless within that time proceedings shall have been commenced for the condemnation thereof.

VI. Whenever it shall be made to appear to the satisfaction of the chief resident civil authority of any of the said stations, that there are reasonable grounds to suspect that any Junk or Native Vessel is about to proceed to sea from any port or place within the said station so manned, armed, equipped, furnished, or fitted out, as to afford reasonable ground to suspect that the said Vessel is intended for piratical purposes, it shall be lawful for the said chief civil authority to take such measures as may be necessary or proper to prevent such vessel from proceeding to sea from such port or place, so long as the same is manned, armed, equipped, furnished, or fitted out beyond what he may deem sufficient for the due navigation and protection thereof as a trading vessel.

VII. No damages shall be recovered for the seizure or detention of any Vessel or other thing in pursuance of this Act, if it shall appear that there were reasonable grounds to suspect that the Vessel or other thing so seized or detained was piratical, or belonged to any pirate or pirates, or was intended to be used for piratical purposes or for the purpose of knowingly trading with or supplying pirates; but whenever any Vessel or other thing shall be seized or detained under the provisions of this Act, proceedings may be taken in any Admiralty or Vice-Admiralty Court having jurisdiction over the place where the seizure was made, or in any division of such Court, for the condemnation or for the restitution of such Vessel or other thing; and if, in such proceeding,



it shall appear to the Court that such Vessel or other thing was piratical, or belonged to pirates, or was intended to be used for piratical purposes, or for the purpose of knowingly trading with or supplying pirates, the same shall be forfeited and condemned without a previous conviction of the owner or of any other person of the crime of piracy.

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### BENGAL. OPIUM.

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#### ACT NO. XIII. OF 1857.

*[Passed on the 6th June, 1857.]*

*Recites expediency of removing the existing inconsistency between the law and the practice as to the cultivation of the poppy and the manufacture of Opium, and of repealing obsolete Regulations, and of consolidating and amending the law on the subject.*

1. *Law repealed*

2. *Prohibits cultivation or manufacture in Bengal except on account of the Government.*

3. *The superintendence of the provision of Opium to be entrusted to covenanted servants of the Company appointed by the Government and under control of the Board of Revenue, assisted by such Deputies, covenanted or uncovenanted, as Government shall appoint, the Collector being ordinarily ex-officio Deputy and the duties of Deputies being regulated by the Board*

4, 5. *Opium Agents and their subordinates to be amenable to the civil Courts, but not till after application for redress to the Agent himself; and Opium Agents themselves not to sue without sanction.*

6. *The Board itself may conduct or defend suits or appoint an officer for the purpose.*

7. *The Board may fix limits and price of cultivation.*

8. *Regulates the issue of licenses*

9. *Officers not to compel cultivators to enter into engagement, but may, subject to appeal, withhold licenses to cultivate.*

10. *A Deputy, on complaint of a Sub-deputy Agent, and subject to an appeal to the Agent, may adjudge a penalty of three times the amount of the advances for all uncultivated land.*

11. *Opium to be delivered according to the directions of the Agent and not to be liable to distress or attachment. The value thereof may be attached*

12. *Opium to be weighed and classified by the Sub-Deputy Agent in the cultivator's presence and according to sanctioned rules—Remedy of dissatisfied cultivator.*

13. *On weighing and examination at the sudder factory, the decision of the Examiner or Agent to be final.*

14. *Opium suspected to be adulterated may be sealed up for examination, and the Agent on the report of the Examiner, may order it to be confiscated, and such order to be final.*

15. *Regulates the provision, use and periodical examination of weights and scales.*

16. *The cultivator's accounts to be annually adjusted by the district officers, and balance to be recovered, after sanction of the Agent obtained, by distress.*

17. *Imposes fine on officer taking unauthorised gratuity.*

18. *Illegal exactions by landholders to be recovered, together with a fine of treble the amount, by summary suit.*

19. *Confiscates embezzled Opium, and imposes a penalty of ten times the fixed price, or 500 rupees, for embezzlement.*

20. *Imposes a fine not exceeding 1000 rupees for illegal purchase of Opium, or connivance by officers at embezzlement thereof.*

21, 22. *Impose penalties for unlicensed cultivation of Opium and for knowingly neglecting to give information of such cultivation.*

23. *Imposes a fine not exceeding 100 rupees on Opium officers or 500 rupees on police and abkaree officers knowingly neglecting to give immediate information of illegal cultivation.*

24. *Regulates proceedings of police, abkaree and Opium officers on receipt of information of illegal cultivation.*

25. *Empowers landholders, &c. to attach any poppy illegally grown, reporting such attachment without delay.*

26. *Penalties to be adjudged by the Magistrate on information given, within one year after the offence, by the Deputy or Sub-Deputy Agent or the Collector.*

27. *Person fined may be imprisoned on default of payment.*

28, 29. *Impose for every conviction subsequent to the first, a further imprisonment not exceeding six months in the civil Jail in addition to the penalty for the offence.*

30. *Regulates the disposal of fines and forfeitures.*

31. *Empowers the Governor General in Council to authorise free cultivation and manufacture in any district and to prescribe rules for the delivery of opium so produced to the officers of Government.*

An act to consolidate and amend the law relating to the cultivation of the Poppy and the manufacture of Opium in the Presidency of Fort William in Bengal.

Whereas the existing law relating to the cultivation of the  
 Preamble. Poppy and the manufacture of Opium on account of Government is in some respects inconsistent with the practice which now obtains under agreement between the Opium Agents and the cultivators, and it is expedient that such inconsistency should be removed; and whereas it is also expedient that certain obsolete Regulations relating to the

provision of Opium should be formally repealed, and that the laws for preventing the illicit cultivation of the Poppy, and for regulating the cultivation of the Poppy and the manufacture of Opium on account of Government, should be consolidated and amended: It is enacted as follows:—

I. Regulation XXXII. 1793, Regulation XXXII. 1795, Regulation LIII. 1795, Sections I. to XL. of Regulation XIII. 1816, and Clauses 1 to 5 Section XVIII. and Sections XXIII. and XXIV. of Regulation VII. 1824, of the Bengal Code, are hereby repealed, except so far as they repeal the whole or part of any other Regulation, and except as to acts done, offences committed, and liabilities incurred, before the passing of this Act.

Poppy cultivation & Opium manufacture, except for Government, prohibited.

II. The cultivation of the Poppy and the manufacture of Opium within the territories under the Presidency of Fort William in Bengal, except on account of Government, are hereby prohibited.

III. The superintendence of the provision of Opium for Government shall be intrusted to Agents, or other officers, being covenanted servants of the Company, duly appointed by Government in that behalf, who perform the duties connected therewith under the control and direction of the Board of Revenue in Calcutta. The Agents, or other officers as aforesaid, shall be assisted by Deputy Agents, Sub-deputy Agents, or such other officers, covenanted or uncovenanted, as the Government may from time to time appoint for the purpose. The Collector of the district shall ordinarily, and unless Government shall otherwise direct, be *ex-officio* Deputy Agent; and the relative duties and powers of the Deputy Agents and Sub-deputy Agents shall be from time to time regulated by the said Board with the sanction of Government.

IV. The Opium Agents, and their subordinate officers of every description, are declared amenable to the civil Courts for all acts done by them in their official capacity, except as otherwise herein provided. But no suit shall be instituted against an

Opium Agents amenable to the Civil Courts.

Agent, or any subordinate officer, for any act done in his official capacity, unless the person who shall consider himself aggrieved by the act of such

No suit to be brought unless application for redress first made to Agent.

Agent or officer shall have first made application for redress to the Agent himself. In the event of such person not being satisfied with the order which the Agent may pass upon his application, it shall then be competent to him either to lay his case by petition before the Board of Revenue, or at once to seek redress in the civil Court.

Opium Agent not to sue without sanction of Board of Revenue.

V. The Opium Agents shall not in their official capacity institute any suit in a civil Court without the previous sanction of the

Board of Revenue.

VI. In cases in which the Board of Revenue may judge it expedient, or in which they may be so directed by Government, they may take upon themselves, or intrust to an officer specially appointed for the purpose, the superintendence of the prosecution or defence of any suit or appeal in which they or an Agent, or any other officer subordinate to them, may be engaged, instead of leaving such superintendence to the Agent or any other officer.

VII. The Board of Revenue, with the sanction of Government, shall from time to time fix the limits within which licenses may be given for the cultivation of the Poppy on account of Government. With the like sanction they shall from time to time fix the price to be paid to the cultivators for the Opium produced. The price shall be fixed at a certain sum per seer of eighty tolahs for Opium of a certain standard consistence, and shall be subject to a rateable reduction, according to a scale sanctioned by the Board of Revenue, for Opium of a consistence below the standard.

VIII. The Sub-deputy Agents, or other officers intrusted with the superintendence of the cultivation, shall, at the proper period of the year, issue licenses to the cultivators, who may choose to engage to cultivate the Poppy, and to deliver the produce to the officers of Government at the established rates. Every license shall specify the number of beegahs

Issue of licenses

What to be specified in license.

which the party engages and is authorised to cultivate, and shall be in such form as the Agent, with the sanction of the Board of Revenue, may direct. A counterpart engagement, in conformity with the tenor of the license, shall be taken from the cultivator.

**IX.** It shall be at the option of every cultivator to enter into engagements for the cultivation of the Poppy or not as he may think fit; and any Sub-deputy Agent or other officer as aforesaid, or any inferior officer employed in the provision of Opium, who shall compel, or use any means to compel, any cultivator to enter into engagements, or to receive advances, for the cultivation of the Poppy, shall be liable to be dismissed from his situation. It shall be at the option of the Sub-deputy Agent, or other officer as aforesaid, to withhold a license from any cultivator whenever he may think proper so to do. Any person to whom a license has been refused may appeal to the Agent, and the decision of the Agent shall be final.

**X.** If it shall be found that any cultivator, who has received advances from Government, has not cultivated the full quantity of land for which he received such advances, he shall be liable to a penalty of three times the amount of the advances received for the land which he has failed to cultivate; and the said penalty may be adjudged by the Deputy Agent or Collector, on the complaint of the Sub-deputy Agent or other officer as aforesaid. Any person dissatisfied with the judgment of the Deputy Agent or Collector may appeal to the Agent, and the decision of the Agent shall be final.

**XI.** All Opium the produce of land cultivated with Poppy on account of Government, shall be delivered by the cultivators to the Sub-deputy Agents or other district officers, or shall be brought by them to the Sudder Factory, as the Agent may direct. And no such Opium shall be liable to be distrained or attached by a zemindar, or other proprietor, or a farmer of land, for the recovery of arrears of

rent, or by any other creditor of a cultivator under any order or decree of Court, but the sum due to the cultivator on account of such Opium may be attached by order of Court in the hand of the Agent or of the district officer under the rules in force for such attachments.

**XII.** All Opium delivered by the cultivators to the Sub-deputy Agent or other district officer, shall, before it is forwarded to the Sudder Factory, be weighed, examined, and classified according to its quality and consistence by that officer, or his assistant if duly authorised by the Agent in that behalf, in the presence of the cultivators and in conformity with rules sanctioned by the Board of Revenue. Any cultivator, who may be dissatisfied with the classification of the district officer, shall be at liberty either to take his Opium to the Sudder Factory, or to have it forwarded thither by such officer separate from the Opium respecting which no dispute has arisen.

**XIII.** All Opium forwarded by the district officers to the Sudder Factory, and all Opium delivered at the Sudder Factory by the cultivators, shall be there weighed and examined by the Opium Examiner, or other officer duly authorised in that behalf, agreeably to rules sanctioned by the Board of Revenue; and the quality and consistence of the Opium, and the deductions from, or additions (if any) to the standard price to be made in accordance with the said rules, shall be determined by the result of such examination. The decision of the Examiner, or of the Agent in cases in which a reference to the Agent may be prescribed by the said rules, shall be final and conclusive, and not open to question in any Court.

**XIV.** When Opium delivered by a cultivator, either to a district officer, or at the Sudder Factory, is suspected of being adulterated with any foreign substance, it shall be immediately sealed up pending examination by the Opium Examiner, and notice of such intended examination shall be given to the cultivator. If upon such examination the Opium shall be found to be so adulterated,

Value thereof may be attached.

Opium to be weighed and classified by Sub-deputy Agent.

Proceeding where cultivator is dissatisfied with classification.

Weighing and examination of Opium at the Sudder Factory.

Seizure of adulterated Opium.

the Agent on the report of the Examiner may order that it be confiscated; and the order of the Agent shall be final, and not open to question in any Court.

**XV.** The weights and scales made use of in the Sudder Factories, and at the District Kothees, shall be provided by the Board of Revenue. Every district officer shall annually, before beginning to weigh the Opium of the season, examine the weights and scales in use in his district, and shall report the result of such examination to the Agent. The Agent shall make a similar examination of the weights and scales of the Sudder Factory, and shall report the result to the Board. No weights or scales shall be made use of which on any such examination have not been found to be strictly accurate. It shall be the duty of all officers who may superintend the weighing of Opium, to see that the Opium is weighed fairly with an even beam, and the practice of taking excess weight for the purpose of turning the scale, or as an allowance for dryage and wastage, is hereby prohibited.

**XVI.** The accounts of the cultivators shall be adjusted annually by the district officers as soon after the conclusion of the weighing and examination as possible; and any balance that may remain due from any cultivator, or from any muhto or intermediate manager, may be recovered by the district officer by distress and sale of the property of the defaulter or of his surety, in the same manner and under the same rules as the property of defaulting cultivators in estates held khas may be distrained and sold by the Collector for the recovery of an arrear of rent or revenue. Provided that no warrant of distress and sale shall be issued by any district officer without the sanction of the Agent previously obtained.

**XVII.** Any officer of the Opium Department who shall receive any fee, gratuity, perquisite, or allowance, either in money or effects, under any pretence whatsoever, from any cultivator, or from any other person employed or concerned in the provision of Opium, other than the authorised allowances of his situation, shall be dismissed from his office, and, on conviction by a Magistrate, shall be liable to a fine not exceeding five hundred rupees.

*Weights and scales.*

*Adjustment of cultivator's accounts, and recovery of balance by distress.*

*Proviso*

*Penalty on Officer taking bribes.*

**XVIII.** If any zemindar, or other proprietor of land, or any farmer of land, shall exact from any ryot on account of his Poppy land; any illegal cess or any higher rate of rent than he is lawfully entitled to demand, the ryot, or the Sub-deputy Agent or other district officer on his behalf, may institute a suit before the Collector, and recover from such proprietor or farmer the sum exacted by him in excess of his lawful demand, together with a penalty of treble the amount of such excess; and such suit shall be tried according to the rules prescribed for suits instituted before a Collector relating to arrears or exactions of rent.

**XIX.** Any cultivator entering into engagements for the cultivation of the Poppy on account of Government, who may embezzle, or otherwise illegally dispose of, any part of the Opium produced, shall be liable to a penalty not exceeding ten times the fixed price of the Opium which he may be proved to have so disposed of, or to a fine not exceeding five hundred rupees, if the amount of the said penalty be less than that sum, and the Opium, if found, shall be liable to confiscation.

**XX.** Any person purchasing or receiving any Opium from a cultivator or other person who may have entered into engagements for the cultivation of the Poppy, or who may be employed in the provision of Opium on account of Government, or bargaining for the purchase of Opium with such cultivator or person, or in any way causing or encouraging such cultivator or person to embezzle or illegally dispose of any Opium, and any officer of the Opium Department conniving in any way at the embezzlement or illegal disposal of any Opium, shall be liable to a fine not exceeding one thousand rupees, unless the Opium purchased, bargained for, or illegally disposed of, shall exceed the weight of thirty-one seers and a quarter, in which case the fine may be increased, at a rate not exceeding thirty-two rupees per seer for such Opium in excess of that weight; and the Opium shall be liable to confiscation.

Sum illegally exacted by land holder from ryot on account of rent of Poppy land & illegal cess, may be recovered, together with a penalty, in summary suit before Collector.

Penalty for embezzlement of Opium by cultivator.

Penalty for illegal purchase of Opium from cultivator.

And for illegal connivance by an Opium Officer at embezzlement.



**XXI.** Any person who shall cultivate the Poppy without license from a Sub-deputy Agent or officer duly authorised in that behalf, and any person who shall in any way cause, encourage, or promote such illegal cultivation, shall be liable to a fine not exceeding five hundred rupees, unless the quantity of land so illegally cultivated shall exceed twenty beegahs, in which case the fine may be at the rate of twenty-five rupees per beegah; and the Poppy plants shall be destroyed, or, if any Opium have been extracted from them, it shall be seized and confiscated. If the Opium shall have been extracted and shall not be seized, the offender shall be liable to a further fine not exceeding the rate of thirty-two rupees per beegah of land illegally cultivated.

**XXII.** All proprietors, farmers, tihseeldars, gomashstahs, and other managers of land, shall give immediate information to the police or abkaree Darogahs, or opium Gomashstahs, or to the Magistrates, Collectors, or Officers in charge of the Abkaree Mehal, or to the Agents, their Deputies, or Sub-deputies, of all Poppy which may be illegally cultivated within the estates or farms held or managed by them; and every proprietor, farmer, tihseeldar, gomashstah, or other manager of land, who shall knowingly neglect to give such information, shall be liable to the penalties for illegal cultivation prescribed in the last preceding section.

**XXIII.** All police and abkaree Darogahs, and opium Gomashstahs, and all native officers of Government of whatever description, and all chowkeydars, pykes, and other village police officers, shall give immediate information to the authority to which they are subordinate when it may come to their knowledge that any land has been illegally cultivated with Poppy; and such authority shall transmit the information to the Sub-Deputy Agent, or other officer superintending the cultivation of the Poppy, if in a district where the Poppy is cultivated on account of Government, or to the Collector or officer in charge of the Abkaree Mehal, if in a district where the Poppy is not so cultivated. Every police or abkaree Darogah, opium Gomashstah, native officer, chowkeydar, or other police officer, as aforesaid,

who shall neglect to give such information, or shall in any respect connive at the illicit cultivation of the Poppy, shall be liable to a fine not exceeding one thousand rupees if the offender be an officer of the Opium department, or in any other case to a fine not exceeding five hundred rupees.

**XXIV.** Whenever a police or abkaree Darogah or opium Gomashtah shall receive intelligence of any land within his jurisdiction having been illegally cultivated with Poppy, he shall immediately proceed to the spot, and if the information be correct, shall attach the crop so illegally cultivated, and report the same without delay to the authority to which he may be subordinate. He shall at the same time take security from the cultivator of the said land for his appearance before the Magistrate; and in the event of such cultivator not giving the required security, he shall send him in custody to the Magistrate.

**XXV.** Proprietors, farmers, tuhseeldars, gomashtahs, and other managers of land, shall be at liberty to attach any Poppy grown in opposition to the provisions of this Act in any estate or farm held or managed by them, and shall immediately report such attachment to the nearest police or abkaree Darogah, or opium Gomashtah, who shall thereupon proceed in conformity with the rules contained in the last preceding section.

**XXVI.** Except as otherwise herein provided, all fines, penalties, and confiscations prescribed by this Act shall be adjudged by the Magistrate on the information of the Deputy Agent or Sub-Deputy Agent in districts in which the Poppy is cultivated on account of Government, and in other districts on the information of the Collector or officer in charge of the Abkaree Mehal; provided that no information of an offence against this Act shall be admitted, unless it be preferred within the period of one year after the commission of the offence to which the information refers.

**XXVII.** When any person is sentenced to pay any fine or penalty under this Act, such person, in default of payment of the same, may be imprisoned by order of the Magistrate for any time not exceeding six months, or until the fine is sooner paid.

**XXVIII.** Whenever any person shall be convicted of an offence against this Act after having been previously convicted of a like offence, he shall be liable, in addition to the penalty attached to such offence, to imprisonment for a period not exceeding six months; and a like punishment of imprisonment not exceeding six months shall be incurred, in addition to the punishment which may be inflicted for a first offence, upon every subsequent conviction after the second.

**XXIX.** Every person who shall be imprisoned under the last preceding section, or on account of the non-payment of any fine or penalty prescribed by this Act, unless such person be an officer of Government or a village police officer convicted of an offence under section XVII. XX. or XXIII. shall be imprisoned in the Civil Jail.

**XXX.** One-half of all fines and penalties levied from persons convicted of offences under sections XIX. XX. and XXI. of this Act, together with a reward, of one rupee eight annas for each seer of Opium confiscated and declared by the Civil Surgeon to be fit for use, shall upon adjudication of the case be awarded to the officer or officers who apprehend the offender, and the other half of such fines and forfeitures, together with a reward of one rupee eight annas for each seer of Opium confiscated as aforesaid, shall be given to the informer. If in any case the fine or penalty is not realized, the Board of Revenue may grant such reasonable reward, not exceeding the sum of two hundred rupees, as may seem to them fit.

**XXXI.** The Governor General of India in Council may authorise, by an Order of Government, the cultivation of the Poppy and the manufacture of Opium in any district or districts without license from a Sub-Deputy Opium Agent, or other officer of Government; and when such order has been published, all the provisions of this Act shall cease to have effect in such district or districts. Provided always that the Government may prescribe rules and regulations for the delivery of the Opium so produced to the Government.

Punishment for repetition of offences.

Place of imprisonment under the last Section.

Disposal of fines and forfeitures.

Governor General in Council may allow free cultivation of Poppy and manufacture of Opium in any District.

Proviso.

ment appointed to receive it; and when such rules have been passed, any cultivator or other person engaged in the cultivation of the Poppy and manufacture of Opium who shall dispose of any Opium otherwise than is allowed by such rules, and any person who shall purchase or receive any such Opium in contravention of the said rules, shall be subject to the penalties prescribed in section XIX. of this Act; and such penalties may be adjudged by a Magistrate on the information of any officer of Government or of any other person.

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MILITARY AND STATE OFFENCES.

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ACT NO. XIV. OF 1857.

[*Passed on the 6th June, 1857.*]

*Recites necessity of further provision for trial and punishment of State offences.*

1. *Imposes the penalty of death, transportation for life, or imprisonment for not more than 14 years, with forfeiture, for endeavouring to seduce, or to cause others to seduce, any officer or soldier from his allegiance.*

2. *Imposes fine and imprisonment for not more than 7 years for harbouring or concealing such offenders.*

3. *The Governor General in Council may empower every or any officer having the command of troops to appoint General Courts Martial for trial of offences against this Act or Act XI. of 1857.*

4. *Such General Courts Martial to be appointed by the Senior Officer on the spot and to consist of at least five Commissioned Officers, who may be either wholly or partly Europeans or Natives according to the direction of the Order in Council.*

5. *Sentence may be passed by the majority of the members, and may be confirmed and carried out immediately.*

6. *Governor General in Council, may countermand or alter any Order in Council.*

7, 8. *The Governor General in Council, or the Executive Government, or any person authorised by the former may, even without proclamation, issue a Commission for the trial of persons charged with offences against the State or against person or property, and such Commission may be held in any part of the district named.*

9. *Such Court may pass final sentence, without the attendance of a Law Officer or*

10. *having power to commit within the district named may*

11, 12. *British subjects exempt from the operation of this Act. As also persons subject to the Articles of War.*

13. *Interpretation of the word Soldier.*

14. *Act to be in force for one year.*

An Act to make further provision for the trial and punishment of certain offences relating to the Army, and of offences against the State.

Whereas it is necessary to make further provision for the trial and punishment of persons who endeavour to excite mutiny and sedition among the Forces of the East India Company, and also for the trial of offences against the state: It is enacted as follows:—

**I.** Whoever intentionally seduces or endeavours to seduce any Officer or soldier in the service or pay of the East India Company from his allegiance to the British Government or his duty to the East India Company, or intentionally excites or stirs up, or endeavours to excite or stir up, any such Officer or soldier, or any Officer or soldier serving in any part of the British Territories in India in aid of the Troops of the British Government, to commit any act of mutiny or sedition; and whoever intentionally causes, or endeavours to cause, any other person to commit any such offence—shall be liable upon conviction to the punishment of death, or to the punishment of transportation for life, or of imprisonment with hard labor for any term not exceeding fourteen years; and shall forfeit all his property and effects of every description.

**II.** Whoever shall knowingly harbour or conceal any person who shall have been guilty of any offence mentioned in the preceding section, shall be liable to imprisonment, with or without hard labor, for any term not exceeding seven years, and shall also be liable to fine.

**III.** It shall be lawful for the Governor General in Council, from time to time, by Order in Council, to empower every General or other Officer having the command of troops in the service of Her Majesty in the East India Company, or any of the several or

Punishment for exciting or causing others to excite mutiny or sedition in the Army.

Punishment for harbouring or concealing offenders.

Governor General in Council may empower Officers to appoint Courts Martial for the trial of offences against this Act or Act XI. of 1857.

other Officers, to appoint General Courts Martial for the trial of any person or persons charged with having committed an offence punishable by this Act or by section I. or section II. of Act XI. of 1857, and also to confirm and carry into effect any sentence of such Court Martial.

IV. Any General Court Martial, which may be appointed under the authority of this Act, shall be appointed by the Senior Officer on the spot, and shall consist of not less than five Commissioned Officers, the number to be fixed by the General or other Officer appointing the Court Martial. The Order in Council may direct that a General Court Martial to be appointed under the provisions of this Act shall consist wholly of European Commissioned Officers or wholly of native Commissioned Officers, or partly of European Commissioned Officers and partly of native Commissioned Officers; and in such case the Officer appointing the Court Martial shall determine whether the same shall consist wholly of European Officers or wholly of native Officers, or partly of European Officers and partly of native Officers.

V. Sentence of death or other punishment to which the offender is liable by law, may be given by such Court Martial, if a majority of the members present concur in the sentence; and any such sentence may be confirmed by, and carried into effect immediately or otherwise by order of, the Officer by whom the Court Martial shall have been appointed, or, in case of his absence, by the Senior Officer on the spot.

VI. It shall be lawful for the Governor General in Council to countermand or alter any Order in Council which may be issued under the authority of

Order in Council may be revoked or countermanded.

Act.

VII. It shall be lawful for the Governor General in Council, or for the Executive Government of any presidency or place, or for any person or persons whom the Governor General in Council may authorise so to do, from time to time to issue

Governor General in Council or Executive Government, any person may issue

persons charged with offences against the State or with other offences.

a Commission for the trial of all or any persons or person charged with having committed within any district described in the Commission, whether such district shall or shall not have been proclaimed to be in a state of rebellion, any offence punishable by sections I. and II. of Act XI. of 1857, or by this Act, or any other crime against the State, or, murder, arson, robbery, or other heinous crime against person or property.

VIII. The Commissioner or Commissioners authorised by any such Commission, may hold a Court in any part of the district mentioned in the Commission, and may there try any person for any of the said crimes committed within any part thereof, it being the intention of this Act that the district mentioned in the Commission shall, for the purpose of trial and punishment of any of the said offences, be deemed one district.

IX. Any Court held under the Commission shall have power, without the attendance or future of a Law Officer, or the assistance of Assessors, to pass upon every person convicted before the Court of any of the aforesaid crimes any sentence warranted by law for such crime; and the judgment of such Court shall be final and conclusive; and the said Court shall not be subordinate to the Sudder or other Court.

X. If a Commission be issued under the authority of this Act, any Magistrate or other officer having power to commit for trial within the district described in the Commission may commit persons charged with any of the aforesaid crimes within such district for trial before a Court to be held under this Act.

XI. Nothing in this Act shall extend to the trial or punishment of any of Her Majesty's natural-born subjects born in Europe, or of the children of such subjects.

XII. This Act shall not extend to the trial or punishment of any person for any offence for which he is liable to be tried by the Articles of War.

Interpretation.

XIII. The word "Soldier" shall include every person subject to any Articles of War.

Duration of Act.

XIV. This Act shall continue in force for one year.

### SUPPRESSION OF THE PRESS.

#### ACT NO. XV. OF 1857.

[Passed on the 13th June, 1857.]

*Recites expediency of prohibiting the use of Printing Presses in India except under suitable conditions and with the previous sanction and license of Government.*

1. *Renders liable to 5,000 Rupees' fine, or two years' imprisonment, or both, any person keeping or using any printing press, types or other materials for printing.*

2. *Empowers any Magistrate having reasonable ground of belief to issue a search warrant for, or to seize and cause to be seized, any such Printing Press, &c. and to dispose of the same as the Governor General, or the Executive Government or any person authorised by the former may direct.*

3. *Any person desirous of keeping a Press, &c. must apply in writing to the Magistrate and specify the name, profession and place of abode of the owner and person using the press and the place of printing, and must verify such application on oath, &c. under the penalties of perjury.*

4. *The Magistrate shall forward copy of such application to the Government or person authorised thereby, who may grant license subject to conditions and at any time revoke the same.*

5. *Imposes same penalties for use of a Press contrary to, or after revocation of license, as for keeping a Press without license.*

6. *All books and papers printed at a licensed Press to have printed on them the printer's and publisher's name, and the place of printing and publication, and a copy to be sent to the Magistrate.*

7. *Empowers the Government to prohibit by order published in the Gazette the circulation of any particular newspaper, book, &c. and imposes forfeiture and fine or imprisonment or both for breach of such order.*

8. *Interpretation of the words "printing" and "Magistrate."*

9. *Act not to abrogate Act XI. of 1857.*

10. *Prosecutions not to be instituted under the Act within 14 days after its passing, without sanction.*

11. *Act to be in force for one year.*

An Act to regulate the establishment of Printing Presses and to regulate in certain cases the circulation of printed books and papers.



Whereas it is expedient to prohibit the keeping or using of  
 Printing Presses, types, or other materials for

Preamble.

printing, in any part of the territories in the  
 possession and under the Government of the East India Com-  
 pany, except with the previous sanction and license of Govern-  
 ment, and under suitable provisions to guard against abuse;  
 and whereas it may be deemed proper to prohibit the circula-  
 tion, within the said territories, of newspapers, books, or other  
 printed papers of a particular description: It is enacted as  
 follows:—

I. No person shall keep or use any Printing Press, or types,  
 or other materials or articles for printing,  
 without having obtained the previous sanction  
 and license for that purpose of the Governor  
 General of India in Council, or of the Executive Government  
 of the Presidency in which such Printing Press, types, or other  
 materials or articles for printing are intended to be kept or used,  
 or of such other person or persons as the Governor General of  
 India in Council may authorise to grant such sanction or license;  
 and any person who shall keep or use any Printing Press, or  
 types, or other materials or articles for printing, without having  
 obtained such license, shall be liable, on conviction before a  
 Magistrate, to a fine not exceeding five thousand rupees, or to  
 imprisonment not exceeding two years, or to both.

II. If any person shall keep or use any Printing Press, or  
 types, or other materials or articles for print-  
 ing, without such sanction or license as afore-  
 said, any Magistrate, within whose jurisdiction  
 the same may be found, may seize the same, or cause them to be  
 seized, together with any books or printed papers found on the  
 premises; and shall dispose of the same as the Governor Gene-  
 ral of India in Council, or the Executive Government of any  
 Presidency, or such other person as the Governor General in  
 Council shall authorise in that behalf, may direct; and it shall  
 be lawful for any Magistrate to issue a search-warrant for the  
 entry and search of any house, building, or other place, in which  
 he may have reason to believe that any such unlicensed Print-  
 ing Press, types, or other materials or articles are kept or used.

No Printing Press  
 to be kept or used  
 without the license of  
 Government.

Power to search for  
 and seize unlicensed  
 Printing Presses, &c.

III. Whenever any person or persons shall be desirous of keeping or using any Printing Press, or types, or other materials or articles for printing, he or they shall apply by writing to the Magistrate within whose jurisdiction he proposes to keep or use such Printing Press or other such materials or articles as aforesaid, or to such other person as the Governor General in Council, or the Executive Government of the Presidency, or such other person as the Governor General in Council shall authorise in that behalf, may appoint for that purpose. The application shall specify the name, profession, and place of abode of the proprietor or proprietors of such Printing Press, types, or other materials or articles for printing, and of the person or persons who is or are intended to use the same, and the place where such Printing Press, types, or other materials or articles for printing are intended to be used; and such application shall be verified by the oath, affirmation, or solemn declaration of the proprietors and persons intending to keep or use such Printing Press, types, or other materials or articles for printing, or such of them as the Magistrate or other person to whom the application shall be made shall direct; and any person wilfully making a false oath, affirmation, or declaration shall be deemed guilty of perjury.

IV. The Magistrate shall forward a copy of such application to the Governor General in Council, or to the Executive Government of the Presidency, or to such other person as may be authorised to grant the license; and the said Governor General in Council, or such Executive Government, or other person as aforesaid, may at his or their discretion grant such license subject to such conditions (if any) as he or they may think fit, and may also at any time revoke the same.

V. If any person or persons shall keep or use, or cause or allow to be kept or used, any such Printing Press, types, or other materials or articles for printing, contrary to the conditions upon which the license may have been granted, or after notice of the revocation of such license shall have been given to or left for him or them at which the Printing Press shall have been

Application for license to keep Printing Press.

Government may grant license subject to conditions, and may revoke the same.

Pecuniary for using Printing Press, contrary to conditions, or after revocation of license.

established, he or they shall be subject to the same penalties as if no such license had been granted; and such Printing Press, types, and other materials or articles for printing may be seized and disposed of in the manner prescribed in section II. of this Act.

VI. All Books and other papers, printed at a Press licensed under this Act, shall have printed legibly on

Books, &c, to have the printer's and publisher's name printed on them, and copies to be forwarded to the Magistrate.

them the name of the printer and of the publisher, and the place of the printing and publication thereof; and a copy of every such

book or printed paper shall be immediately forwarded to the Magistrate or to such other person as the Government or other person granting the license may direct; and every person who shall print or publish any book or paper otherwise than in conformity with this provision, or who shall neglect to forward a copy of such book or paper in manner hereinbefore directed, unless specially exempted therefrom by the Governor General in Council or other person granting the license, shall be liable, on conviction before a Magistrate, to a fine not exceeding one thousand rupees, and in default of payment to imprisonment for a term not exceeding six calendar months.

VII. The Governor General of India in Council, or the Executive Government of any Presidency, may, by Order to be published in the *Government Gazette*, prohibit the publication or circulation, within the said territories or the territories subject to the said Government, or within any particular part of the said territories, of any particular newspaper, book, or other printed paper, or any newspaper, book, or printed paper of any particular description, whether printed within the said territories or not; and whoever, after such prohibition, shall knowingly import, publish, or circulate, or cause to be imported, published, or circulated, any such book or paper, shall be liable for every such offence, on conviction before a Magistrate, to a fine not exceeding one thousand rupees, or to imprisonment not exceeding two years, or to both; and every such book or paper shall be seized and forfeited.

VIII. The word "printing" shall include ~~printing~~ ~~and~~ ~~publishing~~.

Interpretation.

The word "Magistrate" shall include a person exercising the powers of a Magistrate, and also a Justice of the Peace; and every person hereby made punishable by a Justice of the Peace may be punished upon summary conviction.

Act not to exempt  
from compliance with  
Act XI. of 1835.

IX. Nothing in this Act shall exempt any person from complying with the provisions of Act XI. of 1835.

Prosecutions.

X. No person shall be prosecuted for any offence against the provisions of this Act, within fourteen days after the passing of the Act, without an order of the Governor General in Council or the Executive Government of the Presidency in which the offence shall be committed, or the person authorised under the provisions of this Act to grant licenses.

Duration of Act.

XI. This Act shall continue in force for one year.

#### HEINOUS OFFENCES.

#### ACT NO. XVI. OF 1857.

[Passed on the 13th June, 1857.]

*Recites expediency of making temporary provision for punishment of heinous offences in certain districts.*

1. *Imposes forfeiture, together with death, transportation for life or imprisonment with hard labor for not more than 14 years, for the commission of any heinous offence in a place subject to Martial Law.*
2. *Interprets the term "heinous offence."*
3. *Offenders may be tried either by the ordinary Courts or by Courts Martial or Commissioners appointed under Act XIV. of 1857.*
4. *Act not to extend to British Subjects.*
5. *Act to be in force for one year.*

Act to make temporary provision for the trial and punishment of heinous offences in certain districts.

Whereas it is expedient to make temporary provision for the trial and punishment of heinous offences in certain districts: It is enacted as follows:—  
shall commit or attempt to commit any heinous

Punishment for any heinous offence in districts or places subject to Martial Law or to which this Act is extended.

General of India in Council, shall be liable, on conviction, to the punishment of death, or to the punishment of transportation for life, or of imprisonment with hard labor for any term not exceeding fourteen years; and shall forfeit all his property and effects of every description.

II. The words "heinous offence" shall be deemed to include an attempt to murder, rape, maiming, dacoity, robbery, burglary, knowingly receiving property obtained by dacoity, robbery, or burglary, breaking and entering a dwelling-house and stealing therein, intentionally setting fire to a village, house, or any public building, stealing or destroying any property provided for the conveyance or subsistence of troops, and all crimes against person or property attended with great personal violence, and all crimes committed with the intention of assisting those who are waging war against the State or forwarding their designs.

III. Every person who shall be guilty of murder or any of the offences above described, may be tried either by Court Martial appointed under Act XIV. of 1857, or by a Commissioner or Commissioners authorised by a Commission issued under the said Act, or by the ordinary Courts of Judicature.

IV. Nothing in this Act shall extend to the trial or punishment of any of Her Majesty's natural-born subjects born in Europe, or of the children of such subjects.

Act not to apply to British born subjects or their children.

V. This Act shall continue in force for one year.

Duration of Act.

#### MUTINY AND DESERTION.

#### ACT NO. XVII. OF 1857.

[Passed on the 20th.]

Recites expediency of making temporary provision for the trial of mutineers and deserters.

1. *Empowers Sessions Judges and other authorised persons to try and to sentence—finally—to death, or transportation or imprisonment for life any person subject to the Articles of War for the native troops, and to carry out sentence of death immediately. On report of such officers, however, the Government may either pardon the offender or commute his sentence.*

2. *The Government may authorise the issue of a Commission for trial of Mutiny and desertion, and such Commissioner shall have all the powers above-mentioned.*

3. *Authorises the arrest of mutineers and deserters by any person and without warrant upon reasonable suspicion.*

4. *Mutineer or deserter to be conveyed without delay, after apprehension, before a Magistrate who may either commit him for trial to the commanding officer of a Military station or to some officer authorised under this Act, or if authorised himself, may try him.*

5. *Extends sections I. and VI. Act XI., 1856, to native officers and soldiers.*

6. *Includes mutineers and deserters in the classes of offenders of whose resort to their estates, Zemindars &c. under Regulation VI. 1810, are bound to give early intelligence.*

7. *Interprets the word "Magistrate."*

8. *Act to be in force for one year.*

An Act to provide temporarily for the apprehension and trial of Native Officers and Soldiers for Mutiny and Desertion.

Whereas it is expedient to make temporary provision for the apprehension and trial of mutineers and deserters amenable to the Articles of War for the Native Troops of the East India Company: It is enacted as follows:—

I. It shall be lawful for every Sessions Judge, and for every person exercising the same powers as a Sessions Judge, and for any person or persons whom the Governor General of India in Council, or the Executive Government of any Presidency or place, or the Chief Commissioners of the Punjab and Oude respectively, or the Commissioner of Nagpore, may, from time to time, invest with such power, to try for mutiny or desertion, wheresoever the offence may have been committed, any person subject to the Articles of War for the Native Troops of the East India Company, who, in the judgment of such Officer or other person, ought to be tried and punished without delay; and such officer or other person may, on conviction of

Trial by Sessions Judges and others of mutineers and deserters amenable to the Articles of War for the Native Troops.

the offender, sentence him to such of the following punishments as might by the said Articles of War be awarded against him by a General Court Martial—that is to say, if the offender be an Officer, to death or transportation for life; and, if a Soldier, to death, transportation for life, or imprisonment, with or without hard labor, for life or for any term of years. Such sentence shall

*Sentence to be final.*

be final and conclusive; and if a sentence of death be passed, the same may be carried into execution immediately or at such time as such officer or other person shall direct. The Sessions Judge or other officer

*Pardon, or commutation of sentence.*

by whom the sentence shall be passed may, if he think proper, report the case to the Governor General in Council or to the Executive Government of the Presidency, together with any remarks or recommendation which he may think fit to make thereon; and the Governor General in Council or the Executive Government of the Presidency may either pardon the offender or commute the sentence to any less punishment.

II. It shall be lawful for the Governor General in Council,

*Government may authorise the issue of a Commission for the trial of mutineers and deserters.*

or the Executive Government of any Presidency or place, or any of the said Commissioners, to authorise any person or persons to issue a Commission for the trial of mutiny and desertion by any person or persons amenable to the said Articles of War; and every person authorised by such Commission shall have all the powers vested by this Act in a Sessions Judge.

*Powers of Commission.*

III. It shall be lawful for any police officer or other person

*Apprehension of mutineers and deserters.*

to apprehend without warrant any person upon reasonable suspicion that he is a mutineer or deserter and amenable to the Articles of War for the Native Troops of the East India Company.

IV. Every person who shall be apprehended as a mutineer

*Procedure after apprehension.*

or deserter under the provisions of this Act shall be conveyed without delay before a Magistrate or an officer exercising any of the powers of a Magistrate in or near to the place where such person shall have been so apprehended, and may in the meantime be detained in custody; and if the said Magistrate or other officer

fied that such person is a mutineer or deserter and amenable to the Articles of War for the Native Troops, he shall cause him to be delivered, together with any depositions and papers relative to the case, to the Commanding Officer of some Military Station, in order that he may be dealt with according to law; or the Magistrate or other officer may commit him for trial before any officer or other person authorised by or under the provisions of this Act to try him for such offence, if the Magistrate or other officer shall see good and sufficient reason for so doing; or if the Magistrate or other officer shall be authorised under the provisions of this Act to try for mutiny or desertion, he may, if he think fit, proceed forthwith to try the offender.

V. The provisions of sections V. and VI. of Act XI. of 1856 are hereby extended to all Officers, soldiers, and other persons amenable to the Articles of War for the Native Troops.

VI. All Zemindars, Talookdars, and other persons who, by Regulation VI. 1810 of the Bengal Code, are declared to be accountable for the early communication of intelligence respecting the resort to their estates of the classes of offenders therein specified, are hereby declared to be

Liability of landholders to communicate early intelligence of the resort to their estates of mutineers and deserters.

accountable for the early communication of intelligence of the resort to any place within the limits of their estates of any person against whom there shall be reasonable suspicion of his having been guilty of mutiny or desertion; and all the provisions of the said Regulation shall have the same force and effect as if persons guilty of mutiny and desertion had been especially included in the classes of offenders specified in that Regulation. Provided that no proceeding shall be

Proviso.

taken against any Zemindar, Talookdar, or other person by virtue of this section for anything done or omitted to be done by him within fourteen days after the passing of this Act.

Interpretation of the word "Magistrate."

VII. The word "Magistrate" shall include persons exercising the powers of a Magistrate, Police Magistrates and Justices of the Peace.

VIII. This Act shall continue in force for one year.

Durat



## THE CARNATIC.

## ACT NO. XVIII. OF 1857.

[Passed on the 4th July, 1857.]

*Recites decision of the Supreme Court at Madras that Act I. 1844, was a personal Act, and expediency of suspending litigation under it until an opportunity for appealing to the Privy Council shall have been afforded.*

1. *No process to issue without the sanction of the Madras Government against the family or retinue of the late Nawab, for one year.*

2. *If the appeal be admitted, no such process to issue, without the sanction of the Madras Government or a special order of Court, until after the determination of the appeal.*

3. *Process to be void, if issued contrary to this Act.*

An Act relating to the issuing of writs or process against certain members of the family, household, and retinue of His late Highness the Nabob of the Carnatic.

Whereas it has been decided by Her Majesty's Supreme Court of Judicature at Fort St. George that

Preamble.

Act I. of 1844 was a personal Act, and that upon the death of His late Highness the Nabob of the Carnatic it ceased to have any effect; and whereas doubts are entertained as to the correctness of the decision, and it is desirable that the persons against whom any such decision has been given should have an opportunity of petitioning Her Majesty in Council for leave to appeal against the same, and that litigation should be prevented in the mean time: It is enacted as follows:—

I. No writ or process shall, at any time within the period of one year from the time of the passing of this Act, be sued forth or prosecuted against the person, goods, or property of any person whose name was included in any list which was published under the provisions of the said Act, and which was in force and effect for the purpose of the said Act at the time of the death of His said late Highness the Nabob of the Carnatic, unless such writ or process shall be sued forth or prosecuted with the consent of the Governor in Council of Fort St. George first had and obtained, such consent to be testified by the signature of the Secretaries of Government.

No process to issue against the family or retinue of the late Nabob of the Carnatic for one year, unless with the consent of the Governor in Council.

II. If an appeal against any such decision as aforesaid be admitted by Her Majesty in Council, no such writ or process shall be sued forth or prosecuted against the person, goods, or effects of any person named in such list as aforesaid until after the determination of the appeal, unless such writ or process be sued forth or prosecuted with the consent of the said Governor in Council to be testified as aforesaid, or unless the Court out of which such writ or process shall be sued forth or prosecuted shall be satisfied that the appellant has been guilty of unreasonable delay in prosecuting the appeal, and shall make a special order authorising such writ or process to be sued forth and prosecuted.

If appeal to Queen's Council be admitted, process to issue until after the determination of the appeal.

Unless with consent of Governor in Council.

Or unless by special order of Court.

III. Every writ or process sued forth or prosecuted contrary to the provisions of this Act shall be utterly null and void.

Process issued contrary to the Act to be void.

#### JOINT STOCK COMPANIES.

#### ACT NO. XIX. OF 1857.

[Passed on the 10th July, 1857.]

*Recites expediency of amending the law as to Joint Stock and other Companies and of enabling the members thereof to limit their liabilities.*

1. Corporations, except for Banking or Insurance purposes, with or without limited liability, may be formed, by seven or more persons subscribing a Memorandum of Association and registering it.

2. Liability to be several and unlimited, whenever the partnership shall consist of more than 20 persons, unless registered under this Act, or authorised by Act of Parliament or of the Legislature of India, or by Royal Charter or Letters Patent.

3. Regulates the contents of the Memorandum of Association.

4. Company not to be registered under a name identical with or very nearly resembling the name of another Company already registered; and any Company registered shall change its name on requisition by the Registrar.

Regulates the form of the Memorandum and makes it, when registered, as binding as if it had been duly executed by each shareholder and had contained a for-covenant to that effect.

6. Each shareholder to take at least one share, and the number of each shareholder to be entered in the Memorandum and in the Register.

7. *Articles of Association may be annexed to the Memorandum or endorsed on it, but in the absence of Articles and so far as they do not extend, the Regulations contained in Table B are to be the Regulations of the Company.*

8. *Regulates the form and effect of the Articles of Association.*

9. *Signature of a printed copy of the Memorandum or Articles to be equivalent to signature of the original, but execution must be attested by at least one witness.*

10. *Directs that the Memorandum and Articles shall be registered, and directs what fees shall be paid.*

11. *On registration of Memorandum with or without Articles, the Registrar shall grant a Certificate of Incorporation which shall be conclusive evidence that all requisitions of the Act as to registration have been complied with. The date of the Certificate shall be deemed the date of the incorporation, and if the Company is limited, the Certificate shall state that it is so.*

12. *If the Directors of the Company declare dividends unlawfully they shall be severally liable, to the extent of such dividend, for all the debts then existing or contracted during their continuance in office—except such as were absent at the time, or being present and objecting, shall have filed and published notice of their objection.*

13. *On grant of certificate of incorporation, the Company may grant certificates of shares, but not above the number or amount prescribed in the Memorandum: shares to be numbered and deemed personalty.*

14. *Prescribes the particulars to be entered on the Register of shareholders.*

15. *Directs that a list shall be made once a year at least of all persons who on the 14th day after the first ordinary General Meeting were shareholders, and prescribes what particulars such list shall contain, and when and in what form it shall be made.*

16. *Imposes on the Company a fine of not more than 50 Rupees a day for default in keeping a Register and sending a copy thereof to the Registrar.*

17. *Trustees accepting shares and entered in the Register of shareholders to be personally liable, and notice of trusts not to be entered.*

18. *Regulates form and mode of execution of transfers.*

19. *Certificate of shares to be prima facie evidence of the title of the shareholder.*

20. *Unpaid calls to be a debt to the Company.*

21. *The Register and annual lists of shareholders to be open for inspection gratis to shareholders, and to others on payment of one rupee; and copies given on payment of two annas for every 100 words. A Penalty of 50 rupees each refusal of inspection or copy, and of 20 rupees more for every day continues.*

22. *The Company may, after advertisement in a newspaper, close the Register of shareholders for 21 days in each year.*

23. *In case of improper entry of a name, or of omission to enter, a petition for rectification of the Register may be presented to the principal Civil Court in the district.*

24. *The Register to be prima facie evidence.*

25. *Every shareholder, on payment of one rupee fee, to receive a copy of the Memorandum and Articles.*

26, 27. *Impose on any Company not having a registered office a fine of 50 rupees a day.*

28, 29. *Direct publication of the Company's name in English and in the official language of the district at its office, on its seal, in all its official publications and in all its commercial documents, under a penalty of 50 rupees on the Company and 500 rupees on its officer for each offence.*

30. *A General Meeting to be held at least once a year.*

31. *Regulates the matters of which the Directors are to keep accounts.*

32, 33. *A Balance sheet in the form in Table B to be filed every year with the Registrar and signed by the Directors.*

34. *Dividends to be paid only out of profits.*

35, 36, 37. *Provide for Audit of the accounts—for appointment of auditors—and for inspection of the balance-sheet and of the auditors' report by shareholders and the public*

38, 39, 40, 41. *Empower the Company to alter the articles by a special Resolution—define what shall be deemed a special Resolution—and provide for the registry of such Resolutions and for the taking copies of them.*

42. *Imposes a fine on any Company neglecting to give notice to the Registrar of an increase of its capital.*

43. *Renders every Director, carrying on business when the number of shareholders is less than seven, personally and severally liable for the whole debts of the Company.*

44. *Directs what shall be evidence of proceedings at Meetings.*

45. *Regulates how contracts under seal, in writing, and verbal, are to be made.*

46. *Any Company may, by writing under seal, appoint an attorney to execute deeds for them.*

47. *Any authorised person may make, accept, or endorse Bills, Hoondees, &c. for the Company.*

48. *The Government may appoint inspectors on application of one fifth of the shareholders.*

49. *Defines the powers of inspectors.*

50. *Inspectors to report to Government, and to forward copies of their report to the Company's office for general inspection, and to the applying shareholders.*

51. *The Company itself may by General Meeting appoint inspectors.*

52. *The inspectors' report may be proved by a copy.*

53, 54. *Regulate the service of notices on the Company.*

55. *Resolutions of the Company may be authenticated by the signature of an authorised officer.*

56. *Offences under this Act may be prosecuted summarily, and penalties may be recovered according to the provisions of the Police Act.*

57. *Empowers the Governor General in Council to alter the forms prescribed in the schedule.*

58, 59. *Explain to what Companies the provisions relating to winding-up shall apply, and in what sense the term "the Court" shall be understood.*

60. *Defines the liability of existing shareholders in respect of the Company's debts.*

61, 62. *Define the liability of former shareholders in respect of the Company's debts—in limited and unlimited Companies respectively.*

63. *The commencement of the winding-up to date from the presentation of the petition or from the passing of the Resolution.*

64, 65. *Define the character and liabilities of a "contributory" and regulate winding-up the rights of contributories among themselves.*

66. *Under what circumstances a Company may be wound-up by the Court.*

67. *When a Company shall be deemed unable to pay its debts.*

68. *An application for winding-up must be by petition accompanied by a declaration signed and verified*

69, 70. *Direct what course the Court shall adopt on a creditor's petition.*

71. *What course to be pursued on the petition of a contributory.*

72. *Effect of the order for winding-up.*

73. *The Court to cause the due collection and application of assets*

74. *Any fraudulent preference made within three months before the commencement of winding up, to be void*

75. *After order for winding-up, the Court may summon any person suspected to have property belonging to the Company or to owe money to it, or to be capable by evidence or documents to elucidate its transactions.*

76. *Imposes imprisonment for not more than 2 years for fraudulent falsification of books, papers, &c.*

77. *Executions upon judgments voluntarily suffered within three months of petition filed and in fraudulent preference of a particular creditor, to be void.*

78. *The books of the Company to be primâ facie evidence of the truth of the matters therein recorded.*

79. *After order for winding-up, the Court may make calls on the contributories to the extent of their liability.*

80. *Regulates how such calls shall be recovered.*

81. *The Court may make calls upon former as well as upon existing shareholders.*

82. *With the exception of such balance as may be sanctioned for contingent expenses, all monies received shall be paid into Court.*

83. *After petition presented, the Court may grant an injunction, appoint a receiver, or call on the creditors to present and prove their claims.*

84. *The Court may, on application, stay the proceedings in winding-up.*

85. *After satisfaction of creditors, the Court shall adjust the rights of contributories, and distribute the surplus.*

86. *The Court may order costs out of the estate.*

87, 88, 89, 90. *Regulate the appointment—style and duties—powers—and remuneration of official liquidators.*

91, 92. *After completion of the winding-up the Court shall declare the dissolution of the Company, and the Registrar shall make a minute accordingly in his books.*

93. *Circumstances under which a Company may be wound-up voluntarily.*

94, 95. *Manner and consequences of a voluntary winding-up.*

96. *Voluntary winding-up not to prejudice a creditor's right to a winding-up by the Court.*

97. *Regulates the appointment, duties, place of office, and salaries of Registrars—the inspection of documents to be kept by them—and the person by whom their duties are to be performed pending their appointment.*

98. *Repeals Act XLIII. of 1850.*

99. *Permits the registration of existing Companies on assent by three fourths in number and value of the shareholders present at a General Meeting—provided they be not for Banking or Insurance purposes.*

100. *Prescribes certain requisites for the registration of existing Companies, whether registered under Act XLIII. 1850, or otherwise duly constituted by law.*

101. *The statements delivered by existing Companies to be verified by declaration of the Directors delivering them.*

102. *On compliance with the requisitions, the Registrar shall certify under his hand the Incorporation of the Company, and all the provisions of this Act shall then—with certain reservations—apply to it.*

103. *An existing Company may change its name.*

104. *The certificate to be conclusive evidence of compliance with the requisitions, and of the date of incorporation.*

105. *The rights of creditors not to be prejudiced by the registration under this Act or by any subsequent proceeding of an existing Company.*

An Act for the incorporation and regulation of Joint Stock Companies and other Associations, either with or without limited liability of the members thereof.

Preamble.

Whereas it is expedient that the law relating to the incorporation and regulation of Joint-Stock Companies and other Associations should be amended, and that the members of Joint-Stock Companies and other Associations should be enabled to limit their liability for the debts and engagements thereof; It is enacted as follows:—

## PART I.

## CONSTITUTION AND INCORPORATION OF COMPANIES AND ASSOCIATIONS.

### Registry.

I. Seven or more persons, associated for any lawful purpose,

Company formed by Memorandum of Association and registration.

Banking or Insurance Company not to be formed with limited liability.

may, by subscribing their names to a Memorandum of Association, and otherwise complying with the requisitions of this Act in respect of registration, form themselves into an Incorporated Company, with or without limited liability. Provided that nothing in this Act shall authorise any persons to form themselves into a Joint-Stock Company or Association, with limited liability, for the purpose of Banking or Insurance.

II. Not more than twenty persons shall, after the first day of January 1858, carry on in partnership, in any part of the territories in the possession and under the government of the East India Company, any trade or business having gain for its object, unless they are registered as a Company under this Act, or are authorised so to carry on business by an Act of Parliament, or by Royal-Charter or Letters Patent, or by an Act of the Governor General of India in Council; and if any persons carry on business in partnership contrary to this provision, every person so acting shall be severally liable for the payment of the whole debts of the partnership, and may be sued for the same without the joinder in the action or suit of any other members of the partnership.

Matters required to be prescribed by Memorandum of Association.

III. The Memorandum of Association shall contain the following things; (that is to say,)

1. The name of the proposed Company;
2. The part of the said territories in which the registered office of the Company is to be established;
3. The objects for which the proposed Company is to be established;
4. The liability of the shareholders, whether it is to be limited or unlimited;
5. The amount of the nominal capital of the proposed Company;
6. The number of shares into which such capital is to be divided, and the amount of each share.

In the case of a Company formed with limited liability, and hereinafter called a limited Company, the word "limited" shall be the last word in the name of the Company.

IV. No Company shall be registered under a name identical with that by which a subsisting Company is already registered, or so nearly resembling the same as to be calculated to deceive; and if any Company, through inadvertence or otherwise, is registered by a name identical with that by which a subsisting Company is registered, or so nearly resembling the same as to be calculated to deceive, such first-mentioned Company may, with the sanction of the Registrar, and shall, if required by him so to do, change its name, and upon such change being made, the Registrar shall enter the new name on the Register in the place of the former name; but no such alteration of name shall affect any rights or obligations of the Company or of any member thereof, or render defective any legal proceedings instituted or to be instituted by or against the Company; and any legal proceedings may be continued or commenced against the Company by its new name, that might have been continued or commenced against the Company by its former name.

V. The Memorandum of Association shall be in the form marked A in the schedule hereto, or as near thereto as circumstances admit; and it shall, when registered, bind the Company and the shareholders therein to the same extent as if each shareholder had subscribed his name and affixed his seal thereto, or otherwise duly executed the same, and there were in such Memorandum contained, on the part of himself, his heirs, executors, administrators, or representatives, a covenant to conform to all the regulations of such Memorandum, subject to the provisions of this Act.

VI. Every subscriber of the Memorandum of Association shall take one share at the least in the Company; the number of shares taken by each subscriber shall be set opposite his name in such Memorandum of Association; and upon the incorporation of the Company, he shall be entered in the Register of shareholders hereinafter mentioned as a shareholder to the extent of the shares he has taken.

VII. The Memorandum of Association may be accompanied by, or have annexed thereto, or endorsed thereon, Articles of Association signed by the subscribers to the Memorandum of Association.

Prohibition against identity of names in registered Companies.

Form of Memorandum of Association.

Shares to be taken by subscribers of Memorandum of Association.

Special provisions may be provided by Articles of Association.



ation, and prescribing regulations for the Company ; but if no such regulations are prescribed, or so far as the same do not extend to modify the regulations contained in the Table marked B in the schedule hereto, such last-mentioned regulations shall, so far as the same are applicable, be deemed to be the regulations of the Company, and shall bind the Company and the shareholders therein to the same extent as if they had been inserted in Articles of Association, and such Articles had been registered.

**VIII.** The Articles of Association shall be in the form marked C in the schedule hereto, or as near thereto as circumstances admit ; they shall, when registered, bind the Company and the shareholders therein to the same extent as if each shareholder had subscribed his name and affixed his seal thereto or otherwise duly executed the same, and there were in such Articles contained, on the part of himself, his heirs, executors, administrators, or representatives, a covenant to conform to all the regulations of such Articles, subject to the provisions of this Act.

**IX.** Any person signing a printed copy of the Memorandum of Association, or Articles of Association, shall be deemed to have signed such Memorandum and Articles respectively. The execution by any person of the Memorandum of Association or Articles of Association shall be attested by one witness at the least.

**X.** The Memorandum of Association and Articles of Association shall be delivered to the Registrar of Joint-Stock Companies, who shall retain and register the same ; there shall be paid to the Registrar of Joint-Stock Companies, in respect of the several matters mentioned in the Table marked D in the schedule hereto, the several fees therein specified, or such smaller fees as the Governor General of India in Council may from time to time direct ; and all fees so paid shall be accounted for to Government.

**XI.** Upon any such Memorandum of Association, either with or without Articles of Association as afore-said, being registered, the Registrar shall certify under his hand that the Company is incorporated, and, in the case of a limited Company, that the Company is limited ;

the subscribers of the Memorandum of Association, together with such other persons as may from time to time become shareholders in the Company, shall thereupon be a body corporate by the name prescribed in the Memorandum of Association, having a perpetual succession and a common seal, with power to hold lands, but with such pecuniary liability on the part of the shareholders as is hereinafter mentioned: the certificate of incorporation given by the Registrar shall be conclusive evidence that all the requisitions of this Act in respect of registration have been complied with; and the date of such certificate shall be deemed to be the date of the incorporation of the Company.

XII. If the Directors of any such Company shall declare

Directors to be liable for debts, if dividend be paid contrary to the provisions of the Act or when the Company is known by them to be insolvent.

and pay any dividend contrary to the provisions of this Act or when the Company is known by them to be insolvent, or any dividend the payment of which would, to their knowledge, render it insolvent, they shall be

jointly and severally liable for all the debts of the Company then existing, and for all that shall be thereafter contracted, so long as they shall respectively continue in office; provided

Provide

always, that the amount for which they shall all be so liable shall not exceed the amount of such dividend, and that, if any of the Directors shall be absent at the time of making the dividend or dividends so declared or paid, or if present and objecting thereto shall file their objection in writing with the Clerk of the Company and shall forthwith publish notice of such objection in the *Official Gazette* or in some Newspaper circulating in the place in which the registered office of the Company is situate, they shall be exempted from the said liability.

XIII. As soon as a certificate of incorporation has been

Issue of shares by Company

granted by the Registrar of Joint-Stock Companies, the Company may issue certificates of shares to the subscribers to the Memorandum of Association, and to all other persons to whom shares may be allotted, of such number and amount as may be prescribed by the Memorandum of Association, not of any greater number or amount: the shares so issued shall be personal estate, and shall not be of the

nature of real estate, and each share shall be distinguished by its appropriate number.

XIV. Every Company registered under this Act, hereinafter referred to as "the Company," shall cause to be kept in one or more books a Register of shareholders, and there shall be entered therein the following particulars:—

- (1.) The names, addresses, and occupations, if any, of the shareholders in the Company, and the shares held by each of them, distinguishing each share by its number;
- (2.) The amount paid on the shares of each shareholder;
- (3.) The date at which the name of any person was entered in the Register as a shareholder;
- (4.) The date at which any person ceased to be a shareholder in respect of any share.

XV. Once at the least in every year a list shall be made of all persons who, on the fourteenth day succeeding the day on which the ordinary general meeting of the Company, or, if there is more than one ordinary meeting in each year, the first of such ordinary general meetings is held, are holders of shares in the Company; and such list shall state the names, addresses, and occupations of all the persons therein-mentioned, and the number of shares held by each of them, and shall contain a summary specifying the following particulars:—

- (1.) The amount of the nominal capital of the Company, and the number of shares into which it is divided;
- (2.) The number of shares taken from the commencement of the Company up to the date of the summary;
- (3.) The amount of calls made on each share;
- (4.) The total amount of calls that have been received;
- (5.) The total amount of calls unpaid;
- (6.) The total amount of shares forfeited.

The above list and summary shall be contained in a separate part of the Register, and shall be in the form marked E in the schedule hereto, or as near thereto as circumstances admit: such list and summary shall be completed within seven days after such fourteenth day as is mentioned in this section, and shall be there-

of, authenticated by the seal of the Company, shall forthwith be forwarded to the Registrar; and any person may inspect and take copies of the same, subject to the regulations under which a person is hereinafter declared to be entitled to inspect and take copies of any documents kept by the Registrar.

**XVI.** If any Company registered under this Act makes default in keeping a Register of shareholders, or in sending a copy of such list and summary as aforesaid to the Registrar, in compliance with the foregoing rules, such Company shall incur a penalty not exceeding fifty rupees for every day during which such default continues.

**XVII.** No notice of any trust, expressed or implied or constructive, shall be entered on the Register or be receivable by the Company; and every person who has accepted any share in a Company registered under this Act, and whose name is entered in the Register of shareholders, and no other person (except a subscriber to the Memorandum of Association in respect of the shares subscribed for by him,) shall, for the purposes of this Act, be deemed to be a shareholder.

**XVIII.** The transfer of any share in the Company shall be in the form marked F in the schedule hereto, or to the like effect, and shall be executed both by the transferror and transferee; the transferror shall be deemed to remain a holder of such share until the name of the transferee is entered in the Register-book in respect thereof.

**XIX.** A certificate, under the common seal of the Company, specifying any share or shares held by any shareholder, shall be *prima facie* evidence of the title of the shareholder to the share or shares therein specified.

**XX.** The amount of calls for the time being unpaid on any share, shall be deemed to be a debt due from the holder of such share to the Company.

**XXI.** The Register and annual list of shareholders commencing from the incorporation of the Company, shall be kept at the registered office of the Company hereinafter mentioned; except when the Register is closed as hereinafter mentioned, such Register and

annual list shall, during business hours, but subject to such reasonable restrictions as the Company in general meeting may impose, so that not less than two hours in each day be appointed for inspection, be opened to the inspection of any shareholder gratis, and to the inspection of any other person on the payment of one rupee, or such less sum as the Company may prescribe for each inspection; and every such shareholder or other person may require a copy of such Register and annual list, or of any part thereof, on payment of two annas for every one hundred words required to be copied; if such inspection or copy is refused, the Company shall incur for each refusal a penalty not exceeding fifty rupees, and a further penalty not exceeding twenty rupees for every day during which such refusal continues.

XXII. The Company may, upon giving notice by advertisement in some newspaper circulating in that part of the said territories in which the registered office of the Company is situate, close the Register of shareholders for any time or times not exceeding on the whole twenty one days in each year; and the period, during which the books are closed, shall not be reckoned as part of the time within which a transfer is to be registered.

XXIII. If the name of any person is without sufficient cause entered or omitted to be entered in the Register of shareholders of any Company, such person, or any shareholder of the Company, may, by petition to the principal Court of original Civil jurisdiction in the district or place in which the registered office of the Company is situate, apply to such Court for an order that the Register may be rectified; and the Court may either refuse such application, with or without costs to be paid by the applicant, or it may, if satisfied of the justice of the case, make an order for the rectification of the Register, and may direct the Company to pay all the costs of such motion or petition, and any damages the party aggrieved may have sustained; and if the Company makes default or is guilty of unnecessary delay in registering any transfer of shares, they shall be responsible to any person injured by such default or delay for the amount of damage he may thereby have sustained.

XXIV. The Register of shareholders shall be *primâ facie*

Register to be evidence.  
dence.

evidence of any matters by this Act directed or authorised to be inserted therein.

**XXV.** Copies of the Memorandum and Articles of Association shall be forwarded by the Company to every shareholder, at his request, on payment of the sum of one rupee for each copy, or such less sum as may be prescribed by the Company.

Copies of Memorandum and Articles of Association to be forwarded to shareholders.

## PART II.

### MANAGEMENT AND ADMINISTRATION OF COMPANIES.

#### *General.*

**XXVI.** The Company shall have a registered office to which all communications and notices may be addressed; if any Company registered under this Act carries on business without having such an office, it shall incur a penalty not exceeding fifty rupees for every day during which business is so carried on.

Registered Office of Company.

**XXVII.** Notice of situation of such registered office, and of any change therein, shall be given to the Registrar of Joint-Stock Companies, and recorded by him; until such notice is given, the Company shall not be deemed to have complied with the provisions of this Act with respect to having a registered office.

Notice of situation of registered Office.

**XXVIII.** Every limited Company registered under this Act shall paint or affix, and shall keep painted or affixed, its name on the outside of every office or place in which the business of the Company is carried on, in a conspicuous position, in letters easily legible in the English language and also in the language required to be used in judicial proceedings in the Court of the East India Company in the district in which the registered office is situate, and shall have its name engraven in legible characters in such languages on its seal, and shall have its name mentioned in legible characters in such languages in all notices, advertisements, and other official publications of such Company, and in all Bills of Exchange, Hoondees, Promissory Notes, Endorsements, Cheques, and orders for money or value, purporting to be signed by or on behalf of such Company, and in all Bills of parcels, invoices, receipts, and letters of credit of the Company.

Publication of name by a limited Company.

**XXIX.** If any limited Company registered under this Act

Penalties on non-  
publication of name.

does not paint or affix, and keep painted or affixed, its name in manner aforesaid, it shall be liable to a penalty not exceeding fifty rupees for not so painting or affixing its name, and for every day during which such name is not so kept painted or affixed; and if any officer of such Company, or any person on its behalf, uses any seal purporting to be a seal of the Company whereon its name is not so engraven as aforesaid, or issues or authorises the issue of any notice, advertisement, or other official publication of such Company, or signs or authorises to be signed on behalf of such Company any Bill of Exchange, Hoondee, Promissory Note, Endorsement, Cheque, order for money or goods, or issues or authorises to be issued any Bill of parcels, invoice, receipt, or letter of credit of the Company, wherein its name is not mentioned in manner aforesaid, he shall be liable to a penalty of five hundred rupees, and shall further be personally liable to the holder of any such Bill of Exchange, Hoondee, Promissory note, Cheque, or order for money or goods, for the amount thereof, unless the same is duly paid by the Company.

General meeting  
of Company.

**XXX.** A general meeting of the Company shall be held once at the least in every year.

What accounts  
to be kept.

**XXXI.** The Directors shall cause true accounts to be kept—

Of the Stock in-Trade of the Company;

Of the sums of money received and expended by the Company, and the matter in respect of which such receipt and expenditure takes place; and

Of the credits and liabilities of the Company.

**XXXII.** A balance-sheet shall be made out and filed with the

Balance-sheet to  
be made out annually  
and filed with the Registrar.

Registrar of Joint-Stock Companies within twelve months after the incorporation of the Company, and once at least in every year afterwards within twelve months from the filing of the balance-sheet immediately preceding. Such balance-sheet shall contain a summary of the property and liabilities of the

Form of balance-  
sheet.

Company arranged under the same as appearing in the form annexed to Table B in the schedule hereto, or as near thereto as circumstances admit.

**XXXIII.** The balance-sheet shall be signed by the Directors or any three or more of them, who shall certify at the foot thereof that the same, to the best of their belief, contains a true account of the capital and liabilities and of the property and assets of the Company.

Balance-sheet to be signed and certified by the Directors.

**XXXIV.** No dividend shall be payable except out of the profits arising from the business of the Company including interest on capital.

No dividend payable except out of profits.

**XXXV.** The accounts of the Company shall be examined, and the correctness of the balance-sheet ascertained, by one or more auditor or auditors who shall certify, at the foot of such balance-sheet, that the same, to the best of their belief, contains a true account of the capital and liabilities and of the property and assets of the Company, or make such special report thereon as they think necessary.

Audit.

**XXXVI.** A copy of every balance-sheet and of the report thereon by the auditors shall be kept at the registered office of the Company, and shall be open to inspection in the same manner as the Register of shareholders kept at such office.

Inspection of balance sheet and of report of auditors thereon.

**XXXVII.** Unless other provisions shall be contained in the regulations of the Company for the appointment of auditors, the auditors shall be appointed at the first general meeting of the Company in every year, and, in the case of any casual vacancy occurring in such office, at an extraordinary general meeting called for the purpose of supplying the same. No Director or other officer shall be eligible as an auditor.

Appointment of auditors.

**XXXVIII.** Any Company registered under this Act may in general meeting, from time to time, by such special resolution as is hereinafter mentioned, alter and make new provisions in lieu of or in addition to any regulation of the Company contained in the Articles of Association or the Table marked B in the schedule.

Power of Company to alter regulations by special resolution.

**XXXIX.** A resolution shall be deemed to be a special resolution of the Company whenever the same has been passed by three-fourths in number and

Definition of special resolution.



value of such shareholders of the Company, for the time being entitled to vote, as may be present in person or by proxy (in cases where, by the regulations of the Company, proxies are allowed) at any meeting of which notice specifying the intention to propose such resolution has been duly given, and such resolution has been confirmed by a majority of such shareholders, for the time being entitled to vote, as may be present in person or by proxy, at a subsequent meeting of which notice specifying the intention to propose such confirmation has been duly given, and held at an interval of not less than one month, nor more than three months, from the date of the meeting at which such special resolution was first passed: unless a poll is demanded by at least five shareholders, a declaration of the Chairman of any such meeting as is mentioned in this section, that a special resolution has been carried or confirmed, shall be deemed conclusive evidence of the fact, without proof of the number or proportion of the votes recorded in favor of or against the same: notice of any meeting shall, for the purposes of this section, be deemed to be duly given, and the meeting to be duly held, whenever such notice is given and meeting held in manner prescribed by the regulations of the Company.

**XL.** A copy of any special resolution that is passed by any Company registered under this Act shall be forwarded to the Registrar of Joint-Stock Companies, and recorded by him; if such copy is not so forwarded within fifteen days from the date of the passing of the resolution, the Company shall incur a penalty not exceeding twenty rupees for every day after the expiration of such fifteen days during which such copy is omitted to be forwarded.

**XLI.** A copy of any special resolution shall be given to any shareholder on payment of one rupee or of such less sum as the Company may direct.

**XLII.** The Company, if authorised so to do by its regulations, may increase its nominal capital in manner directed by such regulations, but notice of any increase so made shall be given to the Registrar of Joint-Stock Companies within fifteen days from the date of the passing of the resolution by which such increase has been authorised, and the Registrar shall forthwith record the amount of

such increase; if such notice is not given within the period aforesaid, the Company shall incur a penalty not exceeding fifty rupees for every day during which such neglect to give notice continues.

**XLIII.** If any Company registered under this Act carries on business when the number of its shareholders is less than seven, for a period of six months after the number has been so reduced, then every Director of such Company, during the time that it so carries on business after such period of six months, shall be severally liable for the payment of the whole debts of the Company contracted during such time, and may be sued for the same without the joinder in the action or suit of any other person.

**XLIV.** The Company shall cause minutes of all resolutions and proceedings of general meetings of the Company to be duly entered in books to be from time to time provided for the purpose, and any such minute as aforesaid, if signed by any person purporting to be the Chairman of such meeting, shall be receivable in evidence in all legal proceedings; and, until the contrary is proved, every general meeting, in respect of the proceedings of which minutes have been so made, shall be deemed to have been duly held and convened.

*Legal Instruments of Company.*

**XLV.** Contracts on behalf of any Company registered under this Act may be made as follows: (that is to say,)—

(I.) Any contract which, if made between private persons, would be by law required to be in writing, and if made according to English law to be under seal, may be made on behalf of the Company in writing under the common seal of the Company; and such contract may be in the same manner varied or discharged.

(2.) Any contract which, if made between private persons, would be by law required to be in writing and signed by the parties to be charged therewith, may be made on behalf of the Company signed by any person acting under the express or implied authority of the Company; and such contract may in the same manner be varied or discharged.

(3.) Any contract which, if made between private persons, would by law be valid although made verbally only and not reduced into writing, may be made verbally on behalf of the Company by any person acting under the express or implied authority of the Company; and such contract may in the same way be varied or discharged.

And all contracts made according to the provisions herein contained shall be effectual in law, and shall be binding upon the Company and their successors, and all other parties thereto, their heirs, executors, or administrators, as the case may be.

### *Deeds.*

**XLVI.** Any Company registered under this Act may, by instrument or writing under their common seal, empower any person, either generally or in respect of any specified matters, as their attorney, to execute deeds on their behalf in any place; and every deed signed by such attorney, on behalf of the Company, and under his seal, shall be binding on the Company to the same extent as if it were under the common seal of the Company.

**XLVII.** A Promissory Note, Bill of Exchange, or Hoondée shall be deemed to have been made, accepted, or endorsed on behalf of any Company registered under this Act, if made, accepted, or endorsed in the name of the Company by any person acting under the express or implied authority of the Company.

Promissory Notes,  
Bills of Exchange, and  
Hoondées.

### *Examination of affairs of Company.*

**XLVIII.** Upon the application of one-fifth in number and value of the shareholders of any Company registered under this Act, the local Government may appoint one or more competent inspectors to examine into the affairs of the Company, and to report thereon in such manner as the local Government directs.

Examination of affairs of Company by inspectors appointed by the local Government.

**XLIX.** It shall be the duty of all officers and agents of the Company to produce, for examination of the inspectors, all books and documents in their custody or power: any inspector may examine the officers

Power of inspectors.

and agents of the Company in relation to its business, and may, if he thinks fit, administer an oath or affirmation to such person; if any officer or agent refuses to produce any such book or document, or to answer any question relating to the affairs of the Company, he shall incur a penalty not exceeding fifty rupees in respect of each offence.

**LI.** Upon the conclusion of the examination, the inspectors shall report their opinion to the local Government; a copy shall be forwarded to the registered office of the Company and shall be open to the inspection of any shareholder who shall be at liberty to take a copy thereof; and a further copy shall, at the request of the shareholders upon whose application the inspection was made, be delivered to them or to any one or more of them: all expenses of and incidental to any such examination as aforesaid shall be defrayed by the shareholders upon whose application the inspectors were appointed.

**LI.** Any Company registered under this Act may in general meeting appoint inspectors for the purpose of examining into the affairs of the Company; the inspectors so appointed shall have the same powers and perform the same duties as inspectors appointed by the local Government, with this exception that, instead of making their report to the local Government, they shall make the same in such manner and to such persons as the Company in general meeting directs; and the officers and agents of the Company shall incur the same penalties, in case of any refusal to produce any book or document to such inspectors, or to answer any question, as they would have incurred if such inspectors had been appointed by the local Government.

**LII.** A copy of the report of any inspectors appointed under this Act, authenticated by the seal of the Company into whose affairs they have made inspection, shall without further proof be admissible as evidence of the report in any legal proceeding.

A copy of the report of inspectors to be evidence of the report.

#### *Notices.*

**LIII.** Any summons or notice requiring to be served upon

Services of notices  
on Company.

the Company may, except in cases where a particular mode of service is directed, be served by leaving the same or sending it through the post by a registered letter addressed to the Company at their registered-office, or by giving it to any Director, Secretary, or other principal officer of the Company; and any notice to the Registrar of Joint-Stock Companies may be served by sending it to him through the post by a registered letter, or by delivering it to him, or by leaving it for him at his office.

LIV. Notices by letter shall be posted in such time as to admit of the letter being delivered in the due course of delivery within the period (if

Rules as to notices  
by letter,

any) prescribed for the giving of such notice; and in proving such service it shall be sufficient to prove that such notice was properly directed, and that it was put into the Post Office at such time as aforesaid.

LV. Any summons, notice, writ, or proceeding requiring authentication by the Company may be signed by any Director, Secretary, or other authorised officer of the Company, and need not be under the common seal of the Company; and the same may be in writing or in print, or partly in writing and partly in print.

Authentication of no-  
tices of Company.

Adjudication of of-  
fences and recovery of  
penalties.

LVI. All offences under this Act, made punishable by any penalty, may be prosecuted summarily before a Magistrate or any person exercising the powers of a Magistrate. The provisions of Act XIII. of 1856, relating to the adjudication of fines and penalties and the enforcing payment thereof, shall apply to penalties imposed under this Act in the Towns of Calcutta, Madras, and Bombay, and the Settlement of Prince of Wales' Island, Singapore, and Malacca.

#### *Alteration of Forms.*

LVII. The Governor General of India in Council may from time to time make such alterations in the forms and tables contained in the schedule hereto as may be deemed requisite: any form or table, when altered, shall be published in the *Calcutta Gazette*, and, after the expiration of one month from the date of

Governor General  
of India in Council  
may alter forms in  
schedule.

such publication, shall have the same force as if it were included in the schedule to this Act.

### PART III.

#### WINDING-UP.

#### *Preliminary.*

**LVIII.** The provisions of this Act relating to the winding-up of Companies shall apply to all Companies registered under this Act, and to all Companies registered under Act XLIII. of 1850 or duly constituted by law previously to the passing of this Act, from and after the date at which they have obtained registration under this Act in manner hereinafter mentioned, but not to any other Companies.

**LIX.** The expression "the Court," as used in the Third Part of this Act, shall mean the principal Court having original civil jurisdiction in the place in which the registered office of the Company is situate, unless in the regulations for the management of the Company it shall be stipulated that the said Company if wound-up shall be wound-up by the Supreme Court of Judicature for the Presidency in which the registered office of the Company is situate, or if the registered office is not situate within any Presidency, or in the Settlement of Prince of Wales' Island, Singapore, and Malacca, that it shall be wound-up by such Supreme Court as shall be stipulated by such regulations, in either of which cases the word "Court" shall mean the Supreme Court of Judicature mentioned in such stipulation.

**LX.** In the event of any Company being wound-up by the Court or voluntarily, the existing shareholders shall be liable to contribute to the assets of the Company to an amount sufficient to pay the debts and liabilities of the Company, and the costs, charges, and expenses of winding-up the same, with this qualification, that, if the Company is limited, no contribution shall be required from any shareholder exceeding the amount, if any, unpaid on the shares held by him.

**LXI.** In the event of any Company other than a limited Company being wound-up by the Court, any person who has ceased to be a shareholder

Application of Part  
III of Act.

Definition of "the  
Court."

Liability of present  
shareholders in res-  
pect of debts.

Liability of  
shareholders of Com-

pany other than a limited Company with respect to debts.

within the period of three years prior to the commencement of the winding-up shall be liable to contribute, in respect of the shares held by him within that period, towards payment of the debts and liabilities of the Company, and the costs, charges, and expenses of winding-up the same, and shall have in all respects the same rights, and be subject to the same liabilities to creditors in respect of such shares, as if he had not so ceased to be a shareholder, with this exception, that he shall not be liable in respect of any debt or liability of the Company contracted after the time at which he ceased to be a shareholder.

**LXII.** In the event of any limited Company being wound-up by the Court, any person who has ceased to be a holder of any share or shares within the period of one year prior to the commencement of the winding-up shall be liable in respect of such share or shares to contribute towards payment of the debts and liabilities of the Company, and the costs, charges, and expenses of winding-up the same, and shall have in all respects the same rights and be subject to the same liabilities to creditors in respect of such share or shares as if he had not so ceased to be a shareholder.

**LXIII.** The winding-up shall, if the Company is wound-up by the Court, be deemed to commence at the time of the presentation of such petition as is hereinafter required to be presented to the Court; and, if the Company is wound-up voluntarily, be deemed to commence at the time of the passing of the resolution authorising such winding-up.

**LXIV.** Any existing or former shareholder upon whom calls are authorised to be made by the Third Part of this Act is hereinafter called a "contributory;" and the representatives of any deceased contributory shall be liable in a due course of administration to the same extent as such contributory would be liable under this Act, if alive.

**LXV.** For the purpose of ascertaining the liability of exist-

Rights of contributors between themselves.

ing and former shareholders as between themselves, the following rule shall be adopted in the absence of any express contract to the contrary; (that is to say,)

(1.) In the case of a Company other than a limited Company, every transferee of shares shall, in a degree proportioned to the shares transferred, indemnify the transferor against all existing and future debts of the Company:

(2.) In the case of a limited Company, every transferee shall indemnify the transferor against all calls made or accrued due on the shares transferred subsequently to the transfer.

*Winding-up by Court.*

Circumstances under which Company may be wound-up by Court.

LXVI. A Company may be wound-up by the Court under the following circumstances; (that is to say,)

(1.) Whenever the Company in general meeting has passed a special resolution requiring the Company to be wound-up by the Court;

(2.) Whenever the Company does not commence its business within a year from its incorporation, or suspends its business for the space of a whole year;

(3.) Whenever the shareholders are reduced in number to less than seven;

(4.) Whenever the Company is unable to pay its debts;

(5.) Whenever three-fourths of the capital of the Company have been lost or become unavailable.

Company when to be deemed unable to pay its debts.

LXVII. A Company shall be deemed to be unable to pay its debts,

(1.) Whenever a creditor, to whom the Company is indebted in a sum exceeding five hundred rupees then due, has served on the Company, by leaving or causing to be left at their registered office, a demand under his hand requiring the Company to pay the sum so due, and the Company have, for the space of three weeks succeeding the service of such demand, neglected to pay such sum, or to secure or compound for the same to the satisfaction of the creditor;

(2.) Whenever satisfaction of a judgment, decree, or order of any Court in favor of any creditor in any suit or other legal proceeding cannot be obtained.



**LXVIII.** Any application for the winding-up of a Company shall be by petition accompanied by a declaration signed by the petitioner stating that he verily believes the same to be true: such petition may, in cases where the Company is unable to pay its debts, be presented either by a creditor or a contributory; but where any other ground is alleged for winding-up the Company, a contributory alone is entitled to present the petition.

**LXIX.** Upon the hearing of any petition presented by a creditor, the Court may dismiss such petition with or without costs to be paid by the petitioner, or it may make an order directing the Company, by a day to be named in the order, to pay or secure payment to the creditor of all monies that may be proved due to him, together with such costs as the Court may direct; or the Court may, if it so thinks fit, on the hearing of such petition, make an order or decree for winding-up the Company in the first instance, or such other order as it deems just.

**LXX.** If, at the expiration of the time named in such order, such payment is not made, or security given, the Court may thereupon make an order or decree for winding-up the Company.

**LXXI.** Upon the hearing of a petition presented by a contributory, the Court may dismiss such petition with or without costs to be paid by the petitioner, or it may make an order or decree directing the Company to be wound-up, or such other order or decree as it deems just.

**LXXII.** After the date of such order or decree for winding-up the Company, all suits and actions against the Company shall, if the Court so orders, be stayed: no Director or other officer of the Company shall, without the sanction of the Court, dispose of any of the property, effects, or things in action of the Company; and no transfer of any shares shall be valid without the sanction of the Court: a copy of such order or decree shall forthwith be reported by the Company to the Registrar of Joint-Stock Companies, who shall make a minute thereof in his books relating to the Company.

**LXXIII.** As soon as may be after making an order or decree for winding-up the Company, the Court shall cause the assets of the Company to be collected, and applied in discharge of its liabilities, in a due course of administration.

Collection and application of assets.

**LXXIV.** Any conveyance, mortgage, delivery of goods, payment, or other act relating to property, if made, done, or suffered voluntarily by any Company registered under this Act whilst in insolvent circumstances, with a view to give any undue or fraudulent preference to any creditor of such Company, shall be void if made, done, or suffered within three months before the commencement of the winding-up of such Company.

Fraudulent preference.

**LXXV.** After an order or decree for winding-up the Company has been made, any person known or suspected to have in his possession any of the estate or effects of the Company, or supposed to be indebted to the Company, and any person whom the Court may deem capable of giving information concerning the trade, dealings, estate, or effects of the Company, may be compelled to give evidence, and to produce any books, papers, deeds, writings, or other documents in his custody or power, which may appear to the Court requisite to the full disclosure of any of the matters which the Court thinks necessary to be enquired into for the purpose of winding-up the Company, in the same manner as a witness may be compelled to give evidence and to produce documents in any action or suit depending in such Court.

Power of Court to summon persons suspected of having property of Company.

**LXXVI.** If any Director, officer, or contributory of any Company registered under this Act, destroys, mutilates, alters, or falsifies any books, papers, writings, or securities, or makes or is privy to the making of any false or fraudulent entry in any register, book of account, or other document belonging to the Company, with intent to defraud the creditors or contributories of such Company or any of them, or any other person, every person so offending shall, upon conviction, be liable to imprisonment, with or without hard labor, for any term not exceeding two years.

Penalty on falsification of books.

**LXXVII.** If, upon any judgment or decree voluntarily suf-

Executions upon certain judgments within three months of petition to be void.

ferred by any Company being insolvent to any person with intent to give such person a preference over other creditors of the Company, any attachment, sequestration, or execution is issued against such Company, by virtue whereof the estate and effects of the Company, or any of them, are attached, sequestrated, or taken in execution, at any time within three months next before the filing or presentation of the petition for winding-up the Company, such attachment, sequestration, or taking in execution shall be void in favor of the liquidators of the Company, as against the attaching, sequestrating, or execution creditor, whether the same has been completely executed or not, except that such creditor shall, if the attachment, sequestration, or execution would have been valid but for this provision, be entitled to retain, out of any money already realised, his costs of suit, and of the attachment, sequestration, or execution, or to proceed with the attachment, sequestration, or execution for the purpose of realising such costs; but on satisfaction of such costs, or on tender of the amount thereof by the liquidators to the creditor, it shall be lawful for the liquidators to recover from such creditor the property so attached, sequestrated, and taken in execution, and the proceeds of such property, or the residue thereof, as the case may be.

**LXXVIII.** All books, accounts, and documents of the Company, and of the liquidators hereinafter mentioned, shall, as between the contributories of the Company, be *prima facie* evidence of the truth of all matters therein contained, and purporting to be therein recorded.

**LXXIX.** The Court may, at any time after making an order or decree for winding-up a Company, and either before or after it has ascertained the sufficiency of the assets of the Company, or the debts in respect of which the several classes of contributories are liable, make calls on all or any of the contributories, to the extent of their liability, for payment of all or any sums it deems necessary to satisfy the debts and liabilities of the Company and the costs of winding it up; and it may, in making a call, take into consideration the probability that some contributories upon whom the same is made may partly or wholly fail to pay their respective

Books of Company to be evidence.

Power of Court to make calls.

portions of the same; and every such call shall be deemed a debt due to the Company.

**LXXX.** Upon such calls being made, the official liquidator or liquidators shall proceed immediately to collect the same, and shall monthly or oftener report to the said Court the names of defaulters together with the amounts remaining unpaid of the calls made upon them respectively, and thereupon the said Court shall order the payment of such calls or any of them within such time or times and upon such notice or demand by advertisements or otherwise as the said Court may think fit; and in case any contributory, whether subject to the ordinary Civil jurisdiction of the Court or not, shall neglect to pay any part of the call within the time fixed by the Court for the payment thereof and shall not within such time show to the Court sufficient cause for the non-payment thereof, the said Court may make an order upon such contributory for the payment of the amount due upon the call, and such order shall have the force and effect of a decree or judgment of the Court and may be executed accordingly, and all the provisions of Acts XXXIII. of 1852 and XXXIV. of 1855 shall apply to the execution thereof.

**LXXXI.** The Court may at any time make calls upon any former holder of a share who is liable under section LXI. or LXII. of this Act in respect of such share as well as upon the existing holder of that share; but any payment made or obtained from any contributory in respect of a share shall operate for the benefit of every other contributory in respect of such share.

**LXXXII.** All monies received under the direction of the Court on account of the sale or conversion of any of the assets of the Company, or in respect of calls made on any contributories, or of any other matter, with the exception of such balance (if any) as the official liquidators may, with the sanction of the Court, retain in their hands for the payment of current expenses, shall be paid into Court or deposited in such manner as the Court may direct; and no money standing in such account shall be paid out except upon cheques signed in such manner as the Court directs.

**LXXXIII.** The Court may, at any time after the presentation of a petition for winding-up a Company, and either before or after making an order for winding-up the same, upon the application of any creditor or contributory of such Company, restrain further proceedings in any action or suit against the Company, appoint a receiver of the estate and effects of the Company; it may also, by notice or advertisement, require all creditors to present and prove their claims within a certain time, or be precluded from the benefit of any distribution which may be made before such claim is proved.

**LXXXIV.** The Court may, at any time after an order has been made for winding-up a Company, upon the application of any creditor or contributory of the Company, and upon proof to the satisfaction of the Court that all proceedings in relation to such winding-up ought to be stayed, make an order staying the same, either altogether or for a limited time, on such terms and subject to such conditions as it deems fit.

**LXXXV.** As soon as the creditors are satisfied, the Court shall proceed to adjust the rights of the contributories amongst themselves, and to distribute any surplus that may remain amongst the parties entitled thereto; and for the purposes of such adjustment it may make calls on the contributories to the extent of their liability for payment of such sums as it deems necessary; and it may, in making a call, take into consideration the probability that some of the contributories upon whom the same is made may partly or wholly fail to pay their respective portions of the same. Nothing in this section shall preclude any former shareholder entitled to indemnity under section LXV. of this Act from enforcing such indemnity by due course of law.

**LXXXVI.** The Court may make such order as to the priority and payment out of the estate of the Company of the costs, charges, and expenses incurred in winding-up any Company as it thinks just.

*Official Liquidators.*

**LXXXVII.** For the purpose of conducting the proceedings

Appointment of official liquidators.

in winding-up a Company, and assisting the Court therein, there shall be appointed a person or persons to be called an official liquidator or official liquidators; and such appointment shall be made as follows; (that is to say)

The Court having jurisdiction may, after requiring due security, appoint such persons or person, either provisionally or otherwise, as it thinks fit, to the office of official liquidators; it may from time to time remove any person or persons so appointed, and fill up any vacancy occasioned by such removal or by the death or resignation of any such appointee or appointees; if one person only is appointed, he shall have all the powers hereby given to several liquidators; if more persons than one are appointed, the Court shall declare whether any act hereby required or authorised to be done by the official liquidators may be done by all or any one or more of such persons:

In cases where the winding-up takes place at the suit of a creditor, it shall be lawful for the major part in value of the creditors assembled at a meeting to be held for the purpose, and, in cases where the winding-up takes place at the suit of a contributory, for the major part in value of the contributories assembled at a meeting to be held for the purpose, to appoint an official liquidator to act concurrently with the official liquidator so named by the Court. Every such meeting shall be held at a time and place to be fixed by the Court, and of which meeting such notice shall be given as the Court may direct.

LXXXVIII. The official liquidators or liquidator shall be described by the style of the official liquidators or official liquidator of the particular Company in respect of which they or he are

Style and duties of official liquidators.

or is appointed, and not by their or his individual names or name; they or he shall take into their or his custody all the property, effects, and things in action of the Company, and shall perform such duties in reference to the winding-up of the Company as may be imposed by the Court.

LXXXIX. The official liquidators shall have power, with the sanction of the Court, to do the following things:—

Powers of official liquidators.

To bring or defend any action, suit, or prosecution, or other legal proceeding, Civil or Criminal, in the name and on behalf of the Company: and in such name to claim, prove, and draw dividends under any bankruptcy, insolvency, or sequestration:

To carry on the business of the Company, so far as may be necessary for the beneficial winding-up of the same:

To sell the property, movable or immovable, effects, and things in action of the Company, by public auction or private contract, with power, if they think fit, to transfer the whole thereof to any person or Company, or to sell the same in parcels:

To execute, in the name and on behalf of the Company, all deeds, receipts, and other documents they may think necessary, and for that purpose to use, when necessary, the Company's seal:

To refer disputes to arbitration, and compromise any debts or claims:

To draw, accept, make, and endorse any Bill of Exchange or Promissory Note, and also to raise upon the security of the assets of the Company from time to time any requisite sum or sums of money; and the drawing, accepting, making, or endorsing of every such Bill of Exchange or Promissory Note as aforesaid on behalf of the Company shall have the same effect with respect to the liability of such Company as if such Bill or Note had been drawn, accepted, made, or endorsed by such Company in the course of carrying on the business thereof:

To do and execute all such other things as may be necessary for winding-up the affairs of the Company and distributing its assets.

XC. There shall be paid to the official liquidators such salary or remuneration, by way of percentage or otherwise, as the Court directs.

Remuneration of of-  
ficial liquidators.

XCI. When the affairs of the Company have been completely wound-up, the Court shall make an order or decree declaring the Company to be dissolved from the date of such order or decree; and the Company shall be dissolved accordingly.

Dissolution of Com-  
pany.

XCII. Any order or decree so made shall be reported by

Registrar to make  
minute of dissolution  
of Company.

the official liquidators to the Registrar of Joint-Stock Companies, who shall make a minute accordingly in his books of the dissolution of such Company.

*Voluntary winding-up of Company.*

**XIII.** A Company may be wound-up voluntarily, whenever the Company in general meeting has passed a special resolution to that effect. In such case the Company shall, from the date of the commencement of such winding-up, cease to carry on its business, except in so far as may be required for the beneficial winding-up thereof; but its corporate state and all its corporate powers shall, notwithstanding any provision to the contrary in its Articles of Association, continue until the affairs of the Company are wound-up.

**XCIV.** Notice of any special resolution to wind-up a Company voluntarily shall be given as respects Companies registered in any Presidency in the official Gazette of that Presidency, and also in some newspaper (if any) circulating in the place where the registered office of the Company is situate; and, as respects a Company registered in any other part of the said territories, in some newspaper circulating in that part of the said territories, and also in some newspaper circulating in the part of the said territories in which the registered office is situate.

**XCV.** The following consequences shall ensue upon the voluntary winding-up of a Company.

(1.) The property of the Company shall be applied in satisfaction of its liabilities, and, subject thereto, shall, unless it be otherwise provided by the Articles of Association, be distributed amongst the shareholders in proportion to their shares:

(2.) Liquidators shall be appointed for the purpose of winding-up the affairs of the Company and distributing the property:

(3.) The Company in general meeting may appoint such person or persons as it thinks fit to be a liquidator or liquidators, and may fix the remuneration to be paid to them:



(4.) If one person only is appointed, all the provisions herein contained in reference to several liquidators shall apply to him:

(5.) When several liquidators are appointed, every power hereby given may be exercised by any two of them:

(6.) The liquidators may, at any time after the passing of the resolution for winding-up the Company, and before they have ascertained the sufficiency of the assets of the Company or the debts and liabilities in respect of which the contributories are liable, call on all or any of the contributories to the extent of their liability to pay all or any sums they deem necessary to satisfy the debts and liabilities of the Company and the costs of winding it up; and they may, in making a call, take into consideration the probability that some of the contributories upon whom the same is made may partly or wholly fail to pay their respective portions of the same:

(7.) The liquidators shall have all powers hereinbefore vested in official liquidators, and may exercise the same without the intervention of the Court:

(8.) All books, papers, and documents in the hand of the liquidators shall at all reasonable times be open to the inspection of the shareholders:

(9.) When the creditors are satisfied, the liquidators shall proceed to adjust the rights of the contributories amongst themselves; and for the purposes of such adjustment they may make calls on all the contributories to the extent of their liability for any sums they may deem necessary; and they may, in making a call, take into consideration the probability that some of the contributories upon whom the same is made may partly or wholly fail to pay their respective portions of the same.

(10.) As soon as the affairs of the Company are fully wound-up, the liquidators shall make up an account showing the manner in which such winding-up has been conducted, and the property of the Company disposed of; and such account, with the vouchers thereof shall be laid before such person or persons as may be appointed by the Company to inspect the same: and upon such inspection being concluded, the liquidators shall proceed to call a general meeting of the shareholders for the purpose of considering such account; but no such meeting shall be

deemed to be duly held, unless two months' previous notice, specifying the time, place, and object of such meeting, has been published in the manner specified in section XCIV. of this Act:

(11.) Such general meeting shall not enter upon any business except the consideration of the account; but the meeting may proceed to the consideration thereof, notwithstanding the quorum required by any regulation of the Company to be present at general meetings is not present thereat; and if, on consideration, the meeting is of opinion that the affairs of the Company have been fairly wound-up, they shall pass a resolution to that effect, and thereupon the liquidators shall publish a notice of such resolution in the manner specified in section XCIV. of this Act, and shall also make a return to the Registrar of Joint-Stock Companies of such resolution; and on the expiration of one month from the date of the registration of such return, the Company shall be deemed to be dissolved:

(12.) If, within one year after the passing of a resolution for winding-up the affairs of the Company, such affairs are not wound-up, the liquidators shall immediately thereafter make up an account showing the state of the affairs and the progress which has been made in winding-up down to that date, and they shall add thereto a report stating the reason why the winding-up has not been completed, and a general meeting shall be called to consider the same, and so on from year to year until the winding-up of the affairs of the Company is completed.

All costs, charges, and expenses properly incurred in the voluntary winding-up of a Company, including the remuneration of the liquidators, shall be payable out of the assets of the Company in priority to all other claims.

XCVI. The voluntary winding-up of a Company shall not prejudice the right of any creditor of such Company to institute proceedings for the purpose of having the same wound-up by the Court.

Saving of rights of  
creditors.

#### PART IV.

##### *Registration.*

XCVII. The registration of Companies shall be conducted as follows; (that is to say,)

Registration.

(1.) The local Government may, after the sanction of the Governor General in Council to the creation of any such offices shall have been obtained, from time to time appoint such Registrars, Assistant Registrars, Clerks, and servants, as it may think necessary for the registration of Companies under this Act, and remove them at pleasure:

(2.) The local Government may make such regulations as it thinks fit with respect to the duties to be performed by any such Registrars, Assistant Registrars, Clerks, and servants as aforesaid:

(3.) The local Government may from time to time determine the place or places at which offices for the registration of Companies are to be established: Provided always that there shall be at all times maintained in each of the three Presidency Towns of Calcutta, Madras, and Bombay, at least one such office, and that every Company whose registered office is within any Presidency shall be registered in that Presidency:

(4.) Every person may inspect the documents kept by the Registrar of Joint-Stock Companies; and there shall be paid for such inspection a fee of one rupee for each inspection; and any person may require a copy or extract of any document, or any part of any document, to be certified by the Registrar on payment of two annas for every hundred words of such copy or extract; and such certified copy shall be *prima facie* evidence of the matters therein contained in all legal proceedings whatever.

(5.) There shall be paid to any Registrar, Assistant Registrar, Clerk, or servant that may hereafter be employed in the Registration of Joint-Stock Companies, such salary as the local Government may, with the sanction of the Governor General in Council, direct:

(6.) Whenever any act herein directed is to be done to or by the Registrar of Joint-Stock Companies, such act shall, until a Registrar of Joint-Stock Companies shall have been appointed by the local Government, be done to or by the keeper of the records of the Supreme Court of the Presidency in which the registered office of the Company is situate, if such registered office is situate within a Presidency; otherwise by the keeper of the records of the Supreme Court of the Presidency of Bengal.

## PART V.

## REPEAL OF FORMER ACT AND TEMPORARY PROVISIONS.

*Repeal.*

XCVIII. Act XLIII. of 1850 is hereby repealed, except as to acts done, proceedings commenced, or liabilities incurred before the passing of this Act.

But such repeal shall not take effect with respect to any Company registered under the said Act, until such Company has obtained registration under this Act as hereinafter mentioned.

*Temporary Provisions.*

XCIX. Any Company registered under the said Act, and any other Company duly constituted by law, previously to the passing of this Act, and consisting of seven or more shareholders, may at any time hereafter register itself as a Company under this Act, with or without limited liability, subject to this proviso, that no Company established for the purpose of Banking or Insurance shall be registered under this Act as a limited Company, and that no Company shall be registered under this Act unless an assent to its being so registered has been given by three-fourths in number and value of such of its shareholders as may have been present, personally, or by proxy in cases where proxies are allowed by the regulations of the Company, at some general meeting summoned for that purpose.

C. Previously to the registration under this Act of any existing Company, there shall be delivered to the Registrar of Joint-Stock Companies the following documents; (that is to say,)

(1.) In the case of a Company registered under the said Act, if such Company is not intended to be registered as a limited Company, a list showing the names, addresses, and occupations, of all persons who on the day of registration are holders of shares in the Company, with the addition of the shares held by such persons respectively, distinguishing each share by its number:

(2.) If such company is intended to be registered as a limit-

ed Company under the provisions of this Act, the above list shall be accompanied with a statement specifying the following particulars:—

The nominal capital of the Company, and the number of shares into which it is divided.

The number of shares taken, and the amount paid on each share; and

The name of such Company, with the addition of the word “Limited” as the last word thereof:

(3.) In the case of any other Company duly constituted by law previously to the passing of this Act, and consisting of seven or more shareholders, if it is not intended to be registered as a limited Company, there shall be delivered to the Registrar of Joint-Stock Companies such list of shareholders as is hereinbefore mentioned, and also a copy of any Law, Royal Charter, Letters Patent, Deed of Settlement, or other instrument constituting or regulating the Company:

(4) If any such Company as last aforesaid is intended to be registered as a limited Company, the above list and copy shall be accompanied by a statement specifying the following particulars; (that is to say,)

The nominal capital of the Company, and the number of shares into which it is divided;

The number of shares taken, and the amount paid on each share; and

The name of the Company, with the addition of the word “Limited” as the last word thereof.

CI. The list of shareholders and any other particulars relating to the Company, hereby required to be delivered to the Registrar, shall be verified by declaration of the Directors of the Company delivering the same, or any two of them, or of any two other principal officers of the Company.

CII. Upon compliance with the foregoing requisitions, the Registrar of Joint-Stock Companies shall certify under his hand that the Company so applying for registration is incorporated as a Company under this Act, and, in the case of a limited Company,

Authentication of  
statements of existing  
Companies.

Certificate of regis-  
tration of existing  
Companies.

that it is limited, and thereupon such Company shall be incorporated accordingly; and all provisions contained in any Deed of Settlement, Law, Royal Charter, or Letters Patent or other instrument constituting or regulating the Company, shall be deemed to be regulations of the Company within the meaning of this Act, and all the provisions of this Act shall apply to such Company in the same manner in all respects as if it had been originally incorporated under this Act; subject, nevertheless, to the reservations hereinafter contained with respect to the existing rights of creditors and other persons; and subject to this proviso, that, except in so far as is hereinafter permitted, no Company, constituted by any special law, shall have power to alter any of the provisions contained in such law; and no Company constituted by Royal Charter or Letters Patent shall have power, by a special resolution or otherwise, to alter any of the provisions contained in such Charter or Letters Patent.

CIII. Any existing Company may, for the purpose of obtaining registration with limited liability, Power of Company to change name. change its name by adding thereto the word "Limited," or do any other act that may be necessary.

CIV. The certificate of incorporation given to any existing Company, in pursuance of this Act, shall be conclusive evidence that all the requisitions Certificate to be evidence of compliance with Act. herein contained in respect of registration under this Act have been complied with; and the date of such certificate shall be deemed to be the date on which the Company is incorporated under this Act.

CV. The registration of any existing Company under this Act shall not, nor shall any act of the Company subsequent to such registration, prejudice Saving rights of creditors. any right which previously to such registration has, or which would, if no such registration had taken place, have, accrued to any creditor or other person against the Company in its corporate capacity in respect of any act done or liability incurred previously to such registration, or against any person then being or having been a member of such Company: but every such creditor or other person shall be entitled, in respect of any such act or liability, to all such remedies against the Company in its

corporate capacity, and against every person then being or having been a member of such Company, as he would have been entitled to in case such registration had not taken place.<sup>s</sup>

## SCHEDULE.

### FORM A.

#### *Memorandum of Association of "The Company,*

*Limited."*

1. The name of the Company is "The  
Company, Limited."
2. The registered office of the Company is to be established  
in
3. The objects for which the Company is established are "the  
and the doing all such other things as are  
incidental or conducive to the attainment of the above object."
4. The liability of the shareholders is "Limited."
5. The nominal capital of the Company is  
rupees divided into shares of rupees each.

We, the several persons whose names and addresses are subscribed, are desirous of being formed into a Company in pursuance of this Memorandum of Association; and we respectively agree to take the number of shares in the capital of the Company set opposite our respective names:—

<i>Names and addresses of Subscribers.</i>					<i>Number of shares taken by each subscriber.</i>
1.	A. B.	..	..	..	
2.	B. C.	..	..	..	
3.	C. D.	..	..	..	
4.	E. F.	..	..	..	
5.	G. H.	...	..	..	
6.	I. J.	..	..	..	
7.	K. L.	..	..	..	
Total shares taken..					

Dated the                      day of

Witness to the above signatures

A. B.

**TABLE B.**  
**REGULATIONS FOR MANAGEMENT OF**  
**THE COMPANY.**

**SHARES.**

1. No person shall be deemed to have accepted any share in the Company unless he has testified his acceptance thereof by writing under his hand, in such form as the Company from time to time directs.

2. The Company may from time to time make such calls upon the shareholders in respect of all monies unpaid on their shares as they think fit, provided that twenty-one days' notice at least is given of each call, and each shareholder shall be liable to pay the amount of calls so made to the persons and at the times and places appointed by the Company.

3. A call shall be deemed to have been made at the time when the resolution authorising such call was passed.

4. If, before or on the day appointed for payment, any shareholder does not pay the amount of any call to which he is liable, then such shareholder shall be liable to pay interest for the same at the rate of 5 per cent. per annum from the day appointed for the payment thereof to the time of the actual payment.

5. The Company may, if they think fit, receive, from any of the shareholders willing to advance the same, all or any part of the monies due upon their respective shares beyond the sums actually called for; and upon the monies so paid in advance, or so much thereof as from time to time exceeds the amount of the calls then made upon the shares in respect of which such advance has been made, the Company may pay interest at such rate as the shareholder paying such sum in advance and the Company agree upon.

6. If several persons are registered as joint holders of any share, any one of such persons may give effectual receipts for any dividend payable in respect of such share.

7. The Company may decline to register any transfer of shares made by a shareholder who is indebted to them.

8. Every shareholder shall, on payment of such sum not exceeding eight annas as the Company may prescribe, be entitled



to a certificate, under the common seal of the Company, specifying the share or shares held by him, and the amount paid up thereon.

9. If such certificate is worn out or lost, it may be renewed on payment of such sum not exceeding eight annas as the Company may prescribe.

10. The transfer books shall be closed during the fourteen days immediately preceding the ordinary general meeting in each year.

#### TRANSMISSION OF SHARES.

11. The executors or administrators or representatives of a deceased shareholder shall be the only persons recognized by the Company as having any title to his share.

12. Any person becoming entitled to a share in consequence of the death, bankruptcy, or insolvency of any shareholder, or in consequence of the marriage of any female shareholder, or in any way other than by transfer, may be registered as a shareholder upon such evidence being produced as may from time to time be required by the Company.

13. Any person who has become entitled to a share in any way other than by transfer may, instead of being registered himself, elect to have some person to be named by him registered as a holder of such share.

14. The person so becoming entitled shall testify such election by executing to his nominee a transfer of such share.

15. The instrument of transfer shall be presented to the Company accompanied with such evidence as they may require to prove the title of the transferor; and thereupon the Company shall register the transferee as a shareholder.

#### FORFEITURE OF SHARES.

16. If any shareholder fails to pay any call due on the appointed day, the Company may, at any time thereafter, during such time as the call remains unpaid, serve a notice on him, requiring him to pay such call, together with any interest that may have accrued by reason of such non-payment.

17. The notice shall name a further date, and a place or places being a place or places at which calls of the Company are usually made payable, on and at which such call is to be

paid: it shall also state that, in the event of non-payment at the time and place appointed, the shares in respect of which such call was made will be liable to be forfeited.

18. If the requisitions of any such notice as aforesaid are not complied with, any share in respect of which such notice has been given may be forfeited by a resolution of the Directors to that effect.

19. Any shares so forfeited shall be deemed to be the property of the Company, and may be disposed of in such manner as the Company thinks fit.

20. Any shareholder whose shares have been forfeited shall notwithstanding be liable to pay to the Company all calls owing upon such shares at the time of the forfeiture.

#### INCREASE IN CAPITAL.

21. The Company may, with the sanction of the Company previously given in general meeting, increase its capital.

22. Any capital raised by the creation of new shares shall be considered as part of the original capital, and shall be subject to the same provisions in all respects, whether with reference to the payment of calls, or the forfeiture of shares on non-payment of calls, or otherwise, as if it had been part of the original capital.

#### GENERAL MEETINGS.

23. The first general meeting shall be held at such time, not being more than twelve months after the incorporation of the Company, and at such place, as the Directors may determine.

24. Subsequent general meetings shall be held at such time and place as may be prescribed by the Company in general meeting; and if no other time or place is prescribed, a general meeting shall be held on the                      day of                      in every year, at such place as may be determined by the Directors.

25. The above-mentioned general meetings shall be called ordinary meetings; all other general meetings shall be called extraordinary.

26. The Directors may, whenever they think fit, and they shall, upon a requisition made in writing by any number of shareholders holding in the aggregate not less than one-fifth

part of the shares of the Company, convene an extraordinary general meeting.

27. Any requisition so made by the shareholders shall express the object of the meeting proposed to be called, and shall be left at the registered office of the Company.

28. Upon the receipt of such requisition, the Directors shall forthwith proceed to convene a general meeting; if they do not proceed to convene the same within twenty-one days from the date of the requisition, the requisitionists, or any other shareholders holding the required number of shares, may themselves convene a meeting.

29. Seven days' notice at the least, specifying the place, the time, the hour of meeting, and purpose for which any general meeting is to be held, shall be given by advertisement or in such other manner (if any) as may be prescribed by the Company.

30. Any shareholder may, on giving not less than three days' previous notice, submit any resolution to a meeting beyond the matters contained in the notice given of such meeting.

31. The notice required of a shareholder shall be given by leaving a copy of the resolution at the registered office of the Company.

32. No business shall be transacted at any meeting, except the declaration of a dividend, unless a quorum of shareholders is present at the commencement of such business: and such quorum shall be ascertained as follows:—(that is to say), if the shareholders belonging to the Company at the time of the meeting do not exceed ten in number, the quorum shall be five; if they exceed ten, there shall be added to the above quorum one for every five additional shareholders up to fifty, and one for every ten additional shareholders after fifty, with this limitation, that it shall not be necessary for any quorum in any case to exceed forty.

33. If, within one hour from the time appointed for the meeting, the required number of shareholders is not present, the meeting, if convened upon the requisition of the shareholders, shall be dissolved: in any other case it shall stand adjourned to the following day at the same time and place; and if at such

adjourned meeting the required number of shareholders is not present it shall be adjourned *sine die*.

34. The Chairman (if any) of the Board of Directors shall preside as Chairman at every meeting of the Company.

35. If there is no such Chairman, or if at any meeting he is not present at the time of holding the same, the shareholders present shall choose some one of their number to be Chairman of such meeting.

36. The Chairman may, with the consent of the meeting, adjourn any meeting from time to time and from place to place; but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

37. At any general meeting, unless a poll is demanded by at least five shareholders, a declaration by the Chairman that a resolution has been carried, and an entry to that effect in the book of proceedings of the Company, shall be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favor of or against such resolution.

38. If a poll is demanded in manner aforesaid, the same shall be taken in such manner as the Chairman directs; and the result of such poll shall be deemed to be the resolution of the Company in general meeting.

#### VOTES OF SHAREHOLDERS.

39. Every shareholder shall have one vote for every share up to ten; he shall have an additional vote for every five shares beyond the first ten shares up to one hundred, and an additional vote for every ten shares held by him beyond the first hundred shares.

40. If any shareholder is a lunatic or idiot, he may vote by his committee; and if any shareholder is a minor, he may vote by his guardian, or any one of his guardians if more than one.

41. If more persons than one are jointly entitled to a share or shares, the person whose name stands first in the Register of shareholders as one of the holders of such share or shares, and no other, shall be entitled to vote in respect of the same.

42. No shareholder shall be entitled to vote at any meeting, unless all calls due from him have been paid, nor until he shall have been possessed of his shares three calendar months, unless such shares shall have been acquired, or shall have come by bequest, or by marriage, or by succession to an intestate's estate, or by any deed of settlement, after the death of any person who shall have been entitled for life to the dividends of such shares.

43. Votes may be given either personally or by proxies: a proxy shall be appointed in writing under the hand of the appointer, or, if such appointer is a corporation, under their common seal.

44. No person shall be appointed a proxy who is not a shareholder, and the instrument appointing him shall be deposited at the registered office of the Company not less than forty-eight hours before the time of holding the meeting at which he proposes to vote; but no instrument appointing a proxy shall be valid after the expiration of one month from the date of its execution.

#### DIRECTORS.

45. The number of the Directors, and the names of the first Directors, shall be determined by the subscribers of the Memorandum of Association.

46. Until Directors are appointed, the subscribers of the Memorandum of Association shall for all the purposes of this Act be deemed to be Directors.

#### POWERS OF DIRECTORS.

47. The business of the Company shall be managed by the Directors, who may exercise all such powers of the Company as are not by this Act or by the Articles of Association, if any, declared to be exercisable by the Company in general meeting, subject nevertheless to any regulations of the Articles of Association, to the provisions of this Act, and to such regulations, not being inconsistent with the aforesaid regulations or provisions, as may be prescribed by the Company in general meeting, but no regulation made by the Company in general meeting shall in-  
va-

validate any prior act of the Directors which would have been valid if such regulation had not been made.

#### DISQUALIFICATION OF DIRECTORS.

48. The office of Director shall be vacated—

If he holds any other office or place of profit under the Company;

If he becomes bankrupt or insolvent;

If he is concerned in or participates in the profits of any contract with the Company;

If he participates in the profits of any work done for the Company.

But the above rules shall be subject to the following exceptions:—that no Director shall vacate his office by reason of his being a shareholder in any incorporated Company which has entered into contracts with or done any work for the Company of which he is Director; nevertheless he shall not vote in respect of such contract or work; and if he does so vote, his vote shall not be counted, and he shall incur a penalty not exceeding five hundred rupees.

#### ROTATION OF DIRECTORS.

49. At the first ordinary meeting after the incorporation of the Company, the whole of the Directors shall retire from office; and at the first ordinary meeting in every subsequent year, one-third of the Directors for the time being, or if their number is not a multiple of three, then the number nearest to one-third, shall retire from office.

50. The one-third or other nearest number to retire during the first and second years ensuing the incorporation of the Company shall, unless the Directors agree among themselves, be determined by ballot: in every subsequent year the one-third or other nearest number who have been longest in office shall retire.

51. A retiring Director shall be re-eligible.

52. The Company at the general meeting at which any Directors retire in manner aforesaid shall fill up the vacated offices by electing a like number of persons.

53. If, at any meeting at which an election of Directors ought to take place, no such election is made, the meeting shall

stand adjourned till the next day at the same time and place; and if at such adjourned meeting no election takes place, the former Directors shall continue to act until new Directors are appointed at the first ordinary meeting of the following year.

54. The Company may from time to time, in general meeting, increase or reduce the number of Directors, and may also determine in what rotation such increased or reduced number is to go out of office.

55. Any casual vacancy occurring in the Board of Directors may be filled up by the Directors; but any person so chosen shall retain his office so long only as the vacating Director would have retained the same if no vacancy had occurred.

#### PROCEEDINGS OF DIRECTORS.

56. The Directors may meet together for the despatch of business, adjourn, and otherwise regulate their meetings as they think fit, and determine the quorum necessary for the transaction of business: questions arising at any meeting shall be decided by a majority of votes: in case of an equality of votes the Chairman, in addition to his original vote, shall have a casting vote: a Director may at any time summon a meeting of the Directors.

57. The Directors may elect a Chairman of their meetings and determine the period for which he is to hold office; but if no such Chairman is elected, or if at any meeting the Chairman is not present at the time appointed for holding the same, the Directors present shall choose some one of their number to be Chairman of such meeting.

58. The Directors may delegate any of their powers to Committees consisting of such member or members of their body as they think fit: any Committee so formed shall, in the exercise of the powers so delegated, conform to any regulations that may be imposed on them by the Directors.

59. A Committee may elect a Chairman of their meetings: if no such Chairman is elected, or if he is not present at the time appointed for holding the same, the members present shall choose one of their number to be Chairman of such meeting.

60. A Committee may meet and adjourn as they think proper:

questions at any meeting shall be determined by a majority of votes of the members present; and in case of an equal division of votes the Chairman shall have a casting vote.

61. All acts done by any meeting of the Directors, or of a Committee of Directors, or by any person acting as a Director, shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment of any such Directors or persons acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a Director.

62. The Directors shall cause Minutes to be made in books provided for the purpose—

- (1.) Of all appointments of officers made by the Directors;
- (2.) Of the names of the Directors present at each meeting of Directors and Committees of Directors;
- (3.) Of all orders made by the Directors and Committees of Directors; and,
- (4.) Of all resolutions and proceedings of meetings of the Company, and of the Directors and Committees of Directors.

And any such minute as aforesaid, if signed by any person purporting to be the Chairman of any meeting of Directors, or Committee of Directors shall be receivable in evidence without any further proof.

63. The Company, in general meeting, may, by a special resolution, remove any Director before the expiration of his period of office, and appoint another qualified person in his stead: the person so appointed shall hold office during such time only as the Director in whose place he is appointed would have held the same if he had not been removed.

#### DIVIDENDS.

64. The Directors may, with the sanction of the Company in general meeting, declare a dividend to be paid to the shareholders in proportion to their shares.

65. The Directors may, before recommending any dividend, set aside out of the profits of the Company such sum as they think proper as a reserved fund to meet contingencies, or for equalising dividends, or for repairing or maintaining the works



connected with the business of the Company, or any part thereof; and the Directors may invest the sum so set apart as a reserved fund upon such securities as they, with the sanction of the Company, may select.

66. The Directors may deduct from the dividends payable to any shareholder all such sums of money as may be due from him to the Company on account of calls or otherwise.

67. Notice of any dividend that may have been declared shall be given to each shareholder, or sent by post or otherwise to his registered place of abode; and all dividends unclaimed for three years, after having been declared, may be forfeited by the Directors for the benefit of the Company.

68. No dividend shall bear interest as against the Company.

#### ACCOUNTS.

69. Once at the least in every year the Directors shall lay before the Company in general meeting a statement of the income and expenditure for the past year, made up to a date not more than three months before such meeting.

70. The statement so made shall show, arranged under the most convenient heads, the amount of gross income, distinguishing the several sources from which it has been derived, and the amount of gross expenditure, distinguishing the expense of the establishment, salaries, and other like matters; every item of expenditure fairly chargeable against the year's income shall be brought into account, so that a just balance of profit and loss may be laid before the meeting; and in cases where any item of expenditure which may in fairness be distributed over several years has been incurred in any one year, the whole amount of such item shall be stated, with the addition of the reasons why only a portion of such expenditure is charged against the income of the year.

71. A balance-sheet shall be made out in every year, and laid before the general meeting of the Company; and such balance-sheet shall contain a summary of the property and liabilities of the Company arranged under the heads appearing in the Form annexed to this Table, or as near thereto as circumstances admit.

72. A printed copy of such balance-sheet shall, seven days previously to such meeting, be delivered at or sent by post to the registered address of every shareholder.

#### AUDIT.

73. The accounts of the Company shall be examined, and the correctness of the balance-sheet ascertained by one or more Auditor or Auditors to be elected by the Company in general meeting.

74. If not more than one Auditor is appointed, all the provisions herein contained relating to Auditors shall apply to him.

75. The Auditors need not be shareholders in the Company: no person is eligible as an Auditor who is interested otherwise than as a shareholder in any transaction of the Company; and no Director or other officer of the Company is eligible during his continuance in office.

76. The election of Auditors shall be made by the Company at their ordinary meeting, or, if there are more than one, at their first ordinary meeting in each year.

77. The remuneration of the Auditors shall be fixed by the Company at the time of their election.

78. Any Auditor shall be re-eligible on his quitting office.

79. If any casual vacancy occurs in the office of Auditor, the Directors shall forthwith call an extraordinary general meeting for the purpose of supplying the same.

80. If no election of Auditors is made in manner aforesaid, the local Government may, on the application of one-fifth in number of the shareholders of the Company, appoint an Auditor for the current year, and fix the remuneration to be paid to him by the Company for his services.

81. Every Auditor shall be supplied with a copy of the balance-sheet, and it shall be his duty to examine the same, with the accounts and vouchers relating thereto.

82. Every Auditor shall have a list delivered to him of all books kept by the Company, and he shall at all reasonable times have access to the books and accounts of the Company; he may, at the expense of the Company, employ accountants or other persons to assist him in investigating such accounts, and

he may in relation to such accounts examine the Directors or any other officer of the Company.

83. The Auditors shall make a report to the shareholders upon the balance-sheet and accounts; and in every such report they shall state whether, in their opinion, the balance-sheet is a full and fair balance-sheet, containing the particulars required by these regulations, and properly drawn up so as to exhibit a true and correct view of the state of the Company's affairs; and in case they have called for explanations or information from the Directors, whether such explanations or information have been given by the Directors, and whether they have been satisfactory; and such report shall be read, together with the report of the Directors, at the ordinary meeting.

#### NOTICES.

84. Notices requiring to be served by the Company upon the shareholders may be served either personally, or by leaving the same, or sending them through the post in a letter addressed to the shareholders, at their registered places of abode.

85. All notices directed to be given to the shareholders, shall, with respect to any share to which persons are jointly entitled, be given to whichever of the said persons is named first in the Register of shareholders; and notice so given shall be sufficient notice to all the proprietors of such share.

## FORM OF BALANCE-SHEET REFERRED TO IN TABLE B.

Co. made up to

18

Cr.

## Dr. BALANCE-SHEET of the

## CAPITAL AND LIABILITIES.

## PROPERTY AND ASSETS.

CAPITAL AND LIABILITIES.		PROPERTY AND ASSETS.	
I. CAPITAL.	Rs. A. P.	III. PROPERTY held by the Company	Rs. A. P.
1 Showing the total amount received from the shareholders; showing also— (a.) The number of shares. (b.) The amount paid per share. (c.) If any arrears of calls, the nature of the arrears, and the names of the defaulters. (Any arrears due from any Director or officer of the Company to be separately stated.) (d.) The particulars of any forfeited shares.	Rs. A. P.	4 Showing Immovable property, distinguishing— (a.) Land (describing tenure). (b.) Buildings. (c.) Stock in Trade. (d.) Plant. (The cost to be stated with deduction for deterioration in value as charged to the reserve fund or profit and loss.)	Rs. A. P.
II. DEBTS AND LIABILITIES of the Company		5 Showing Debts considered good for which the Company hold bills or other securities.	
2 The amount of loans on mortgage, or debenture bonds, owing by the Company, distinguishing— (a.) Debts for which acceptances have been given. (b.) Debts to Tradesmen for supplies of stock in trade or other articles. (c.) Debts for law expenses. (d.) Debts for interest on debentures or other loans. (e.) Unclaimed dividends. (f.) Debts not enumerated above.		6 Debts considered good for which the Company hold no security. (Any debt due from a Director or other officer of the Company to be separately stated.)	
3 The amount set aside from profits to meet contingencies.		7 Showing The nature of investment and rate of interest.	
VII. RESERVE FUND		8 The amount of cash, where lodged, and if bearing interest.	
VII. PROFIT AND LOSS		9 V. CASH AND INVESTMENT	
CONTINGENT LIABILITIES.		10	
Claims against the Company not acknowledged as Debts. Monies for which the Company is contingently liable.			

## FORM C.

*Memorandum of Association of "The \_\_\_\_\_ Company,  
Limited," with Articles of Association annexed.*

## MEMORANDUM OF ASSOCIATION.

1. The name of the Company is "The \_\_\_\_\_ Company,  
Limited."

2. The registered office of the Company is to be established in \_\_\_\_\_

3. The objects for which the Company is established are \_\_\_\_\_

4. The liability of the shareholders is "Limited."

5. The capital of the Company is rupees \_\_\_\_\_,  
divided into \_\_\_\_\_ shares of rupees \_\_\_\_\_ each.

We, the several persons whose names are subscribed, are desirous of being formed into a Company in pursuance of this Memorandum of Association; and we respectively agree to take the number of shares in the capital of the Company set opposite our respective names:—

Names and addresses of subscribers.	Number of shares taken by subscribers.
1. A. B .. .. .	
2. B. C. .. .. .	
3. C. D. .. .. .	
4. E. F. .. .. .	
5. G. H. .. .. .	
6. I. J. .. .. .	
7. K. L. .. .. .	
Total shares taken .. .. .	

Witness to the above Signatures.

A. B.

Articles of Association of the

Company, Limited.

It is agreed as follows:—

1. No shareholder shall transfer his shares without the consent of the Directors expressed in writing.

2. If any shareholder feels aggrieved with the refusal of the

Directors to allow him to transfer his shares, the matter shall be settled by arbitration.

3. Calls on the shares of the Company, not considered as paid-up shares, shall be made at such time as the Directors think fit; but no call shall exceed one hundred rupees per share.

4. The Company shall not be obliged to register the transferee under the regulations numbered 13 and 14 in the Table B, unless he is approved by the Directors; but in the event of their disapproving, the matter may be decided by arbitration.

5. The regulations of Table B as to general meetings, numbered 23, 24, and 26, shall not apply.

6. The first general meeting of the Company shall be held on the first day of                      next, and subsequent general meetings shall be held on the first day of                      in every succeeding year, or, if that day is a Sunday, on the succeeding Monday.

7. An extraordinary general meeting may be summoned at any time by any two shareholders of the Company.

8. All matters in question between the shareholders shall be decided by an arbitrator appointed by

9. The regulation of Table B as to votes of shareholders, numbered 39, shall not apply; and every shareholder shall have one vote in respect of every share that he holds.

The several persons hereinafter named, subscribers to the Memorandum of Association, shall be the first Directors of the Company (that is to say) A. B., B. C., C. D., E. F., G. H., and I. J.

*Names and addresses of subscribers.*

1. A. B.

2. B. C.

3. C. D.

4. E. F.

5. G. H.

6. I. J.

7. K. L.

Witness to the above signatures.

A. B.

## TABLE D.

## TABLE OF FEES.

	Rs.	As.	P.
For registration of a Company whose nominal capital does not exceed 10,000 rupees, .. ...	50	0	0
For every 10,000 rupees of nominal capital, or part of 10,000 rupees, after the first 10,000 rupees, and up to 10,00,000 rupees, an additional fee of, ..	2	8	0
For every 10,000 rupees, or part of 10,000 rupees, after the first 10,00,000 rupees, an additional fee of, ....	0	8	0
For registration of any increase in the capital of a Company for every 10,000 rupees, or part of 10,000 Rupees, up to 10,00,000 rupees in the whole, ....	2	8	0
For every 10,000 rupees, or part of 10,000 rupees, beyond the first 10,00,000 rupees, an additional fee of, .....	0	8	0
For registering any document hereby required or authorised to be registered, other than the Memorandum of Association, a fee of, .. ..	2	8	0
For making a record of any fact hereby authorised or required to be recorded by the Registrar of Companies, a fee of, ... ..	2	8	0

## FORM E.

*Summary of capital and shares of the*

Nominal capital Co.'s rupees

• Number of shares taken up to the

There has been called upon each share Co.'s rupees

Total amount of calls received Co.'s rupees

Total amount of calls unpaid Co.'s rupees

Total amount of shares forfeited Co.'s rupees

*List of persons holding shares in the*

*shares therein at any time during the year immediately preceding the said*  
*and addresses and an account of the shares so held.*

*Company, made up to the*  
*divided into*  
*day of*  
*shares of Co.'s rupees*  
*each*  
*day of*  
*and of persons who have held*  
*showing their names*

Folio in Register Ledger con- taining parti- culars.	NAMES, ADDRESSES, AND OCCUPATIONS.			ACCOUNT OF SHARES.		
	Name.	Address.	Occupation. Shares held by if any, or existing share- holders on the day of the day of other des- cription.	Additional shares held by existing shareholders during preceding year.	Shares held by persons, REMARKS. no longer shareholders.	
					Number.	Date of transfer.





nor in Council from time to time to fix such other rate, not exceeding three annas for each day, as may to him seem sufficient.

II. It shall be lawful for a Judge of a Court of Small Causes holden under the said Act, in case of illness or for other special cause, to order that the diet-money to be deposited for the subsistence of a prisoner taken in execution under a warrant of the Court shall be deposited after such rate, not exceeding six annas for each day, as may to him seem necessary. Every such order may from time to time be revised and altered on due cause being shown.

Court may vary the rate, in case of illness or for other special cause.

III. This Act shall be read with and taken as a part of Act  
Construction. IX. of 1850.

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#### SUBURBS OF CALCUTTA.

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#### ACT NO. XXI. OF 1857.

[*Passed on the 10th July, 1857.*]

*Recites that it will conduce to the order and good government of the suburbs of Calcutta that some of the provisions of the Police and Conservancy Acts for the Presidency Towns should, with modifications, be extended to them.*

1. *Offenders against this Act may be tried by the Magistrate within whose jurisdiction the offence is alleged to have been committed.*

2. *Imposes a fine of 100 rupees or imprisonment for 3 months on persons failing to account for property in their possession and reasonably suspected to have been stolen: and empowers the Magistrate to summon all persons in whose possession the property in question is alleged to have previously been, and to punish them, if their possession of it appear to have been fraudulent.*

3. *Authorises the apprehension by a police officer, without warrant, of reputed thieves, &c. and renders them liable to 3 months' imprisonment.*

4. *Authorises the disarming by a police officer of any person carrying arms without leave, and confiscates the weapon.*

5. *On proof of wilful neglect to maintain wife or child, the Magistrate may order a monthly allowance not exceeding 50 Rupees; and on neglect to comply with the order may levy the amount as a fine or imprison for one month. Application may be made from time to time for reduction of allowance.*

6. *Imposes a fine of not more than 100 rupees for harbouring or concealing deserters from merchant vessels.*

7. *On complaint of three or more householders, the Magistrate may order*

discontinuance of a brothel, and on failure to comply may fine the owner or tenant 25 rupees a day.

8. License for retail sale of spirituous or fermented liquors not to be granted without concurrence of the Magistrate, and on a difference between the Magistrate and the Collector, the Commissioner to decide, subject to the orders of the Lieutenant Governor.

9. License to be revoked by the Collector on the application of the Magistrate upon conviction of an offence under section XLV. Act XXI. 1856.

10. Imposes a fine of 100 rupees or imprisonment for 3 months, for owning, keeping or conducting a gaming house.

11. Imposes a fine of 100 rupees or imprisonment for 1 month for being found in a gaming house for the purpose of gaming Mere presence to be *prima facie* evidence of purpose.

12. The Magistrate, on sworn information and after enquiry, may grant a warrant to any superior officer of police to enter a house believed to be a gaming house.

13. On conviction for keeping or being found in a gaming house, the instruments of gaming are to be destroyed and all other articles seized therein to be sold and the proceeds and all monies forfeited.

14. The Magistrate may order one fourth of the fine or any part of the monies or proceeds of sale to be paid to an informer.

15. Authorises arrest without warrant by a police officer of persons found gaming in the streets and renders them liable to fine of 20 rupees or imprisonment for one month.

16. Imposes a fine of 50 rupees for each failure of a Pawnbroker, &c. to report his having been offered any property of which he had received information from the police—except wearing apparel, not appearing to have been concealed knowingly.

17. Melting, altering, defacing, or putting away stolen property, after information of the theft, to be sufficient evidence of receivership as against a Pawnbroker, &c.

18. Imposes, for the unlicensed manufacture or possession of gunpowder, a fine of not more than 200 rupees and forfeiture.

19. Empowers the Magistrate to grant conditional yearly licenses for the sale or keeping in deposit of 50 pounds of gunpowder.

20. Imposes, for drunkenness or riotous or indecent behaviour in public, a fine of 20 rupees or imprisonment for 14 days.

21. Imposes, for a nuisance committed in public, a fine of 10 rupees, or in default, imprisonment for 14 days.

22. Imposes, on public beggars, imprisonment for one month.

23, 24. Impose a fine of 20 rupees for furious or negligent driving or riding—suffering a horse or ferocious dog to be loose—leaving a cart, &c. without control—fastening animals so as to cause obstruction—ill-treating animals—lighting bonfires, discharging guns, &c.—and beating tom-toms, &c. at night without leave.

25, 26. Impose a fine of 10 rupees for depositing refuse on the streets, or allowing sewerage to flow on to them.

27, 28, 29, 30, 31. *Relate to obstructions on, and projections into, streets and roads.*

32. *Empowers the Magistrate to trim hedges and trees bordering roads at the expense of the owners.*

33, 34. *Houses in a ruinous state how to be dealt with.*

35. *Imposes a fine of 50 rupees on the occupier of a house for not removing filth.*

36. *Imposes a fine of 50 rupees on owner or occupier of a house allowed to remain filthy, unwholesome, or overgrown.*

37. *Imposes a fine of 20 rupees on owner or keeper of a filthy sheep-pen, &c.*

38. *Allows the Magistrate to license public necessities.*

39. *Imposes on the owner a fine of 50 rupees for not keeping a private drain in proper state.*

40. *Imposes a fine of 50 rupees for fouling the water of a public tank by bathing or washing in it—or throwing rubbish or allowing drain water to flow into it.*

41, 42. *Empower the Magistrate to fill up unwholesome tanks on private premises, and to drain off and cleanse stagnant pools in open places, whether private property or not.*

43. *Imposes a fine of 50 rupees for depositing building-materials or making excavations on the road without leave, or neglecting to light them, when authorised.*

44. *Empowers the Magistrate to repair or enclose dangerous places at the expense of the owner.*

45, 46. *Regulate the establishment and maintenance of slaughter-houses.*

47. *Imposes a fine of 200 rupees for establishing without license offensive and dangerous trades within certain limits, and a further fine of 50 rupees a day for continuance of such offence after conviction.*

48. *No burial or burning place to be henceforth constructed without license from the Magistrate or the Lieutenant Governor, under the penalty of a fine of 200 rupees.*

49. *The Magistrate, with the sanction of the Lieutenant Governor, and after two months' notice, may close unhealthy burning or burial places. Fine of 100 rupees for use of such places after expiry of notice.*

50. *Magistrate may, by written and published order, appoint certain periods within which dogs found straying may be destroyed.*

51, 52. *Empower a police officer to arrest without warrant either on view of the offence, or on a charge of recently committed aggravated assault.*

53. *Persons taken into custody without warrant—if not bailed—must be taken before the Magistrate within 24 hours.*

54. *Magistrate how to proceed on information or complaint of offence against this Act. No appeal from order, duly sanctioned, under section XLIX.*

55. *Mode of determining and recovering costs and expenses.*

56. *Jurisdiction of Joint, or Deputy, or Assistant Magistrate.*

57. *Fines how to be applied.*

58. *Supersedes Act XXI. 1841. pro tanto.*

59 *Interpretation Clause.*

An Act to make better provision for the order and good government of the suburbs of Calcutta and of the station of Howrah.

Whereas Acts have been passed for regulating the police and  
for the conservancy and improvement of the  
Preamble. town of Calcutta and of the other Presi-

dency towns; and whereas large portions of the suburbs of the said town of Calcutta and of the station of Howrah are not less populous than parts of the said town, and it will conduce to the order and good government of the said suburbs and station that some of the provisions of the said Acts, with certain necessary modifications, should be extended to the said suburbs and station: It is enacted as follows:—

I. Whoever is charged with having committed any of the offences mentioned in this Act within the limits of the said suburbs or station, as described in the schedule hereunto annexed, may be tried for any such offence by the Magistrate within whose jurisdiction the offence is alleged to have been committed; and, on conviction, may be sentenced by such Magistrate to the punishment hereinafter prescribed for the offence.

II. Clause I.—Whoever has in his possession, or conveys in any manner, any thing which may be reasonably suspected of being stolen or fraudulently obtained, shall, if he fail to account satisfactorily how he came by the same, be liable to a penalty not exceeding one hundred rupees, or to imprisonment, with or without hard labor, for any term not exceeding three months.

Clause 2.—If any person, charged with having or conveying any thing stolen or fraudulently obtained, shall declare that he received the same from some other person, or that he was employed as a carrier, agent, or servant, to convey the same for some other person, the Magistrate may cause every such other person, and also, if necessary, every

Cases under this Act  
by whom to be tried.

Fraudulent possession  
of stolen property.

Power to summon  
persons declared to  
have had possession  
of such property  
within the jurisdic-  
tion of the Magis-  
trate.

former or pretended purchaser or other person through whose possession the same shall have passed (provided that such other person shall be alleged to have had possession of the same within the jurisdiction of such Magistrate) to be brought before him and examined, and shall examine witnesses touching the same and if it appear to such Magistrate that any person so brought

Penalty if such possession fraudulent.

before him had possession of such thing, and had reasonable cause to believe the same to have been stolen or unlawfully obtained, such person shall be liable to a penalty not exceeding one hundred rupees, or to imprisonment, with or without hard labor, for any term not exceeding three months.

III. Any person found between sun-set and sun-rise, armed with any dangerous or offensive instrument whatsoever, with intent to commit any offence against the person or property of another; any reputed thief found between sun-set and sun-rise, on board any vessel or boat, or lying or loitering in any bazar, street, road, yard, thoroughfare, or other place, who shall not give a satisfactory account of himself; any person found between sun-set and sun-rise, having his face covered, or otherwise disguised, with intent to commit any such offence as aforesaid; any person found between sun-set and sun-rise, in any dwelling-house or other building whatsoever, without being able satisfactorily to account for his presence therein; and any person having in his possession, without lawful excuse (the proof of which excuse shall be on such person), any implement of house-breaking, shall be liable to imprisonment, with or without hard labor, for a term not exceeding three months; and any such person may be taken into custody by any police officer without a warrant.

IV. Whoever, not being a soldier or sailor in the Army or Navy of the Queen or the East India Company, or a police officer, goes armed with any sword, spear, gun, or other offensive weapon, in any street, thoroughfare, or public place, unless by leave of the Magistrate, shall be liable to be disarmed by any police officer; and the weapon so seized shall be forfeited to the Government, unless redeemed by payment of a fine, at the discretion of the Magistrate, not exceeding ten rupees.

Penalty for carrying arms without authority.

**V.** If any person, having sufficient means, neglects or refuses to maintain his wife or any legitimate or illegitimate child unable to maintain himself, it shall be lawful for the Magistrate, upon due proof thereof, to order such person to make a monthly allowance for the maintenance of his wife or such child as aforesaid, at such rate, not exceeding fifty rupees in the whole, as to the Magistrate shall seem reasonable; and if such person shall wilfully neglect to comply with the said order, the Magistrate may, by warrant, direct the amount due to be levied in the manner in which fines may be levied, or may order him to be imprisoned, with or without hard labor, for any term not exceeding one month. Provided always that any such person shall be at liberty to apply to the Magistrate, from time to time, for a reduction of such monthly allowance, on proof of an alteration in the circumstances of himself, his wife, or child, justifying such reduction.

**VI.** Whoever wilfully harbours or conceals any seaman or apprentice belonging to a merchant vessel, knowing, or having reason to believe, such seaman or apprentice to be a deserter, shall be liable to a fine not exceeding one hundred rupees.

**VII.** On the complaint of three or more householders, that a house in their immediate neighbourhood is used as a common brothel, or lodging-house for prostitutes or disorderly persons of any description, to the annoyance of the respectable inhabitants of the vicinity, the Magistrate may summon the owner or tenant of the house to answer the complaint; and on being satisfied that the house is so used, and is therefore a source of annoyance and offence to the neighbours, may order the owner or tenant to discontinue such use of it; and if he shall fail to comply with such order within five days, may impose upon him a fine to the extent of twenty five rupees for every day thereafter that the house shall be so used.

**VIII.** Except as hereinafter provided, no license shall be granted by the Collector for the sale by retail of any spirituous or fermented liquors in any Hotel, Tavern, Punch-house, Ale-house, Arrack or Toddy shop, or other place of public

Magistrate may make order for maintenance of wives or children.

Penalty for harbouring and concealing deserters from merchant vessels

Brothels.

Licenses for retail sale of spirituous or fermented liquors to be granted with concurrence of Magistrate.

resort and entertainment, without the concurrence of the Magistrate. If a difference should arise between the Collector and the Magistrate respecting the grant of any such license, the case shall be reported to the Commissioner of Revenue and Circuit; and the decision of the Commissioner, subject to the orders and control of the Lieutenant Governor of Bengal, shall be final.

17. Whenever any person, being the keeper of any such

Revocation of  
license.

house or place of public resort and entertainment as aforesaid, is convicted of any of the offences specified in section XLV. Act XXI. of 1856, the Magistrate may, if he think proper, apply to the Collector to revoke the license granted by him to such person; and upon such application the Collector shall forthwith revoke such license.

X. Whoever, being the owner or occupier, or having the use of any house, room, or place, keeps or uses the same as a common gaming-house; and whoever, being the owner or occupier of any house or room, knowingly and wilfully permits the same to be kept or used by any other person as a common gaming-house; and whoever has the care or management of or in any manner assists in conducting the business of any house, room, or place so kept or used; and whoever advances or furnishes money for the purpose of gaming with persons frequenting such house, room, or place—shall be liable to a fine not exceeding two hundred rupees, or to imprisonment, with or without hard labor, for any term not exceeding three months.

XI. Whoever is found in any such house, room, or place, playing or gaming with cards, dice, counters, money, or other instruments of gaming, or is found there present for the purpose of gaming, whether playing for any money, wager, stake, or otherwise, shall be liable to a fine not exceeding one hundred rupees, or to imprisonment, with or without hard labor, for any term not exceeding one month; and any person found in any common gaming house during any gaming or playing therein, shall be presumed, until the contrary be proved, to have been there for the purpose of gaming.

XII. If the Magistrate, upon information on oath, and after



Magistrate may grant warrants to Police Officers to enter a gaming house for the purpose of search and seizure.

such enquiry as he may think necessary; has reason to believe that any house, room, or place is used as a common gaming-house, he may, by his warrant, give authority to any superior officer of police to enter with such assistance as may be found necessary, by night or by day, and by force if necessary, any such house, room, or other place; and to take into custody all persons whom he finds therein, whether or not then actually gaming; and to seize all instruments of gaming and all monies, and securities for money, and articles of value, reasonably suspected to have been used or intended to be used for the purpose of gaming, which are found therein; and to search all parts of the house, room, or place which he shall have so entered, when he has reason to believe that any instruments of gaming are concealed therein, and also the persons of those whom he so takes into custody; and to seize and take possession of all instruments of gaming found upon such search.

**XIII.** On conviction of any person for keeping any such common gaming-house, or being present therein for the purpose of gaming, all the instruments of gaming found therein shall be destroyed by order of the Magistrate, who may also order all or any of the securities for money, and other articles seized, not being instruments of gaming, to be sold and converted into money, and the proceeds thereof, with all monies seized therein, to be forfeited; or, in his discretion, may order any part thereof to be returned to the persons appearing to have been severally thereunto entitled.

**XIV.** The Magistrate may direct any portion, not exceeding one-fourth, of any fine which shall be levied under sections X. and XI, of this Act, or any part of the monies or proceeds of articles seized and ordered to be forfeited under section XIII. to be paid to an informer.

Portion of fine may be paid to informer.

**XV.** A police officer may apprehend without warrant any person found gaming with cards, dice, counters, money, or other instruments of gaming, in any public street, place, or thoroughfare; and such person

Gambling in the streets.

shall be liable to a fine not exceeding twenty rupees, or to imprisonment, with or without hard labor, for any term not exceeding one month; and such instruments of gaming and money shall be forfeited.

**XVI.** If any property regarding which written or printed information shall be given by any police officer to any pawn-broker or dealer in second-hand property or money-changer as having been stolen, embezzled, or fraudulently obtained, shall then be or thereafter come into the possession of or be offered in pawn or for sale or change to such pawn-broker, dealer, or money-changer, he shall, without unnecessary delay, give information at the nearest police office, that certain property, answering the description of the said property, was offered to him, or is in his possession, and shall also state the name and address given by the party by whom the same was offered, or from whom the same was received, under a penalty not exceeding fifty rupees for each and every such neglect or offence; provided always that, in the case of wearing apparel or other articles, which it may be difficult for such pawn-broker or dealer to trace out and identify, no fine shall be eligible in respect of not reporting such articles, unless it shall appear to the Magistrate that such articles had been knowingly concealed by such pawn-broker or dealer.

**XVII.** If any pawn-broker or dealer in second-hand goods, or worker in gold or silver, after receiving information of the theft, or the embezzling, or the fraudulent disposal of any metals, goods, or articles of whatsoever description, melts, alters, defaces, or puts away the same, or causes the same to be melted, altered, defaced, or put away, without having previously received the permission of the Magistrate, and it shall be found that such metals, goods, or articles were stolen, embezzled, or fraudulently disposed of by the person from whom such pawn-broker, dealer, or worker received the same, or by any other person, then and in such case it shall be held that such pawn-broker, dealer, or worker knew that such metals, goods, or articles were stolen, embezzled, or fraudulently disposed of; and such pawn-broker, dealer, or worker

Pawn-brokers and money-changers to report stolen property under a penalty for neglect.

If stolen articles be altered or defaced by broker, after information of the theft, he shall be deemed a receiver of stolen goods.

shall be proceeded against according to law as a receiver of stolen goods, or, as being a party to the fraud, and punished accordingly; and no other evidence of his guilt shall be necessary than evidence of such melting, altering, defacing, or putting away, after receiving information as aforesaid.

**XVIII.** Whoever manufactures Gunpowder, or without a Manufacture or possession of Gunpowder. license from the Magistrate, has in his possession, in any house, shop, warehouse, or other building, at any one time, a greater quantity of Gunpowder than ten pounds, shall be liable to a fine not exceeding two hundred rupees, and also to forfeit such Gunpowder so manufactured or possessed, together with the vessel or receptacle in which it may be contained.

**XIX.** The Magistrate may grant to any person a license for Licenses by Magistrate for sale and deposit of Gunpowder, &c. the sale or keeping in deposit of any quantity of Gunpowder not exceeding fifty pounds, on such conditions, and for such term, not exceeding one year, as shall be specified in the license; and any person who shall be guilty of a breach of any such conditions, shall be liable to a fine not exceeding one hundred rupees, and to forfeit all Gunpowder so kept in deposit contrary thereto, and the vessels containing it, and also to forfeit his license.

**XX.** Whoever is found drunk and incapable of taking care Penalty for drunkenness, or riotous or indecent behaviour in public. of himself, or is guilty of any riotous or indecent behaviour in any street or thoroughfare, or in any place of public amusement or resort, and whoever is guilty of violent behaviour in any police office, shall be liable to a fine not exceeding twenty rupees, or to imprisonment, with or without hard labor, for a term not exceeding fourteen days.

**XXI.** Whoever wilfully and indecently exposes his person, or Penalty for committing a nuisance in streets. commits a nuisance, by casing himself in or by the side of or near to any public street, or thoroughfare or place, shall be liable to a fine not exceeding ten rupees, or, in default of payment thereof, to imprisonment, with or without hard labor, for a term not exceeding fourteen days.

**XXII.** Whoever in any public road, street, thoroughfare, or

Beggars, place, begs or applies for alms, or exposes or exhibits any sores, wounds, bodily ailment, or deformity, with the object of exciting charity or of obtaining alms; or whoever seeks for, or obtains alms, by means of any false statement or pretences—shall be liable to imprisonment, with or without hard labor, for any term not exceeding one month.

**XXIII.** Whoever, in any public street, road, thoroughfare, or place of public resort, commits any of the following offences, shall be liable to a fine not exceeding twenty rupees:—

1. Whoever drives or rides any animal, or drives any vehicle, in a manner so rash or negligent as to indicate a want of due regard for the safety of others.

2. Whoever negligently lets loose any horse, or suffers to be at large any ferocious dog without a muzzle, or sets on or urges any dog or other animal to attack, worry, or put in fear any person, horse, or other animal.

3. Whoever being in charge of a cart, carriage, or horse, leaves it at such a distance as not to have the same under due control.

4. Whoever fastens any animal so as to cause obstruction or danger to passengers.

5. Whoever cruelly beats, abuses, or tortures any animal.

6. Whoever sets fire to or burns any straw or other matter, or lights any bon-fire, or wantonly discharges any fire-arm or air-gun, or lets off or throws any fire-work, or sends up any fire-balloon.

**XXIV.** Within such parts of the said suburbs or station as shall be from time to time defined by the Magistrate with the sanction of the Lieutenant Governor of Bengal, whoever beats a drum or tom-tom, or blows a horn or trumpet, or beats or sounds any metal instrument or utensil, between the hours of ten at night and four in the morning, in any public street, road, or thorough-fare, so as

to disturb the repose of the inhabitants, except when permitted by the Magistrate on occasions of festivals and ceremonies, shall be liable to a fine not exceeding twenty rupees.

**XXV.** Whoever deposits, or permits his servants to deposit, Depositing dirt on street, &c. any dust, dirt, dung, ashes, garden, kitchen, or stable refuse, or filth of any kind, or any animal matter, or any broken glass or earthen-ware, or other rubbish, in any street, or on any public quay, jetty, ghaut, or landing-place, except in such places and in such manner, and at such hours, as shall be fixed by the Magistrate, or throws or puts, or permits his servants to throw or put, any such substances into any public sewer or drain, or into any drain communicating therewith, shall be liable to a fine not exceeding ten rupees.

**XXVI.** Whoever causes or allows the water of any sink or Allowing sewerage to flow on streets. sewer, or any other offensive liquid matter belonging to him or being on his land, to run, drain, or be thrown or put upon any street, or causes or allows any offensive matter from any sewer or privy to run, drain, or be thrown into a surface drain in any street, shall be liable to a fine not exceeding ten rupees.

**XXVII.** Whoever builds any wall, or erects or sets up any fence, rail, post, or other obstruction or encroachment, in any public street or road, or Future obstructions in streets or roads. in or over any open drain, sewer, or aqueduct along the side of any such street or road, after the passing of this Act, shall be liable to a fine not exceeding one hundred rupees; and the Magistrate shall have power Power to remove. to remove any such obstruction or encroachment, and the expense of such removal shall be paid by the persons erecting the same, and shall be recoverable as hereinafter provided.

**XXVIII.** Whoever displaces, takes up, or makes any alteration in the pavement or other materials, or in the fences or posts of any public street, without the consent in writing of the Magistrate, Taking up pavement. or without other lawful authority, shall be liable to a fine not exceeding fifty rupees.

**XXIX.** The Magistrate may give notice in writing to the owner or occupier of any house or building to remove or alter any projection, encroachment, or obstruction, which, after the passing of this Act, shall be erected or placed against or in front of such house or building, if the same overhangs, or juts into, or in any way projects or encroaches upon, or is an obstruction to the safe and convenient passage along any public street, or obstructs or projects or encroaches into or upon any uncovered aqueduct, drain, or sewer in such street; and such owner or occupier shall, within fourteen days after the service of such notice upon him, remove such projection, encroachment, or obstruction, or alter the same in such manner as shall have been directed by the Magistrate; and in default thereof, shall be liable to a fine not exceeding two hundred rupees; and the Magistrate in such case may remove such projection, encroachment, or obstruction; and the expense of such removal shall be paid by the owner or occupier so making default, and shall be recoverable as hereinafter provided.

**XXX.** The Magistrate may cause any such projection, encroachment, or obstruction erected or placed against or in front of any house or building, in any public street before the passing of this Act, to be removed or altered as he shall think fit; provided that he give notice of such intended removal or alteration to the occupier of the house or building against or in front of which such projection, encroachment, or obstruction shall be, thirty days before such alteration or removal is begun; and if such projection, encroachment, or obstruction shall have been lawfully made, he shall make reasonable compensation to every person who suffers damage by such removal or alteration.

**XXXI.** When any house or building, any part of which projects beyond the regular line of a public street, or beyond the front of the house or building on either side thereof, has been taken down in order to be re-built or altered, the Magistrate may require the same to be set back to or towards the line of

Future projections  
from houses to be re-  
moved.

Removal of exist-  
ing projections from  
houses.

Notice of removal.

Compensation when  
to be made.

Houses projecting  
beyond line of street  
when taken down to  
be set back.

the street or the line of the adjoining houses or buildings, and shall make reasonable compensation to the owner of any such house or building for any damage he may thereby sustain. If any dispute shall arise touching the amount of compensation to be allowed under this or the preceding section, the same shall be settled in the manner provided by the laws in force for the settlement of disputes respecting compensation for lands taken for public purposes.

XXXII. The Magistrate may give notice to the owner or occupier of any land, to cut and trim any Power to trim hedges and trees bordering roads. hedges and trees overhanging any public road or street so as to obstruct the passage or to cause damage thereto; and in the event of such notice not being complied with within eight days from the date thereof, the Magistrate may cause the said hedges and trees to be cut and trimmed in the manner required; and the expense incurred by the Magistrate in respect thereof shall be paid by the owners, and shall be recoverable as hereinafter provided.

XXXIII. If in any street, any house, building, or wall, or any thing affixed thereon, be deemed by the Houses in a ruinous and dangerous state. Magistrate to be in a ruinous state, or likely to fall, or in any way dangerous to the inhabitants of such house or building, or to the neighbouring houses or buildings, or the occupiers thereof, or to passengers, he may cause notice in writing to be given to the owner, if he be known and resident within the limits of his jurisdiction, and may also cause such notice to be put on the door or other conspicuous part of the said premises, or otherwise to be given to the occupier thereof (if any), requiring such owner or occupier forthwith to take down, secure, or repair such house, building, wall, or thing affixed thereon, as the case shall require; and if such owner or occupier do not begin to repair, take down, or secure the same within three days after such notice, and complete such work with due diligence, the Magistrate may cause all or so much of such house, building, wall, or thing, as he shall think necessary, to be taken down, repaired, or otherwise secured; and all the expenses shall be paid by the owner of the premises, and shall be recoverable from him as hereinafter provided.

XXXIV. If any such house, building, or wall, or any part of

Sale of materials  
of ruinous houses.

the same, be pulled down by virtue of the powers aforesaid, the Magistrate may sell the materials thereof, or of so much of the same as shall be taken down, and apply the proceeds of such sale in payment of the expenses incurred, and shall restore any overplus arising from such sale to the owner of such house, building, or wall on demand. The Magistrate, although he sell such material for the purposes aforesaid, shall have the same remedies for compelling the payment of so much of the said expenses as may remain due after the application of the proceeds of such sale, as by this Act are given to him for compelling the payment of the whole of the said expenses.

XXXV. Whoever, being the occupier of a house in or near any street, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil, filth, or any noxious or offensive matter, in or upon the roof of such house, or in any out-house, yard, or ground attached to and occupied with such house, or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to remove the filth therefrom, and to cleanse and purify the same, shall be liable to a fine not exceeding fifty rupees.

XXXVI. Whoever, being the owner or occupier of any house, building, or land, in or near any street, whether tenanted or otherwise, suffers the same to be in a filthy and unwholesome state, or over-grown with rank and noisome vegetation, shall be liable to a fine not exceeding fifty rupees, and to a fine not exceeding five rupees for every day after conviction for such offence during which the offence is continued.

XXXVII. Whoever, being the owner or keeper of any cattle, sheep, or pigs, suffers the stall, pen, or place in which they are kept, in or near any street, to be in a filthy or noxious state, or neglects to employ proper means to remove the filth therefrom, shall be liable to a fine not exceeding twenty rupees.

Penalty for keeping  
sheep, pen, &c. in a  
filthy state.

XXXVIII. The Magistrate may license such necessities



Licensing of public necessities. for public accommodation as he, from time to time, may think proper; and whoever keeps any public necessary without such license, or, having a license for a public necessary, suffers the same to be in a filthy or noxious state, or neglects to employ proper means for cleansing the same, shall be liable to a fine not exceeding fifty rupees; and the license may be cancelled.

**XXXIX.** Whoever, being the owner of any private drain, privy, or cesspool, neglects or refuses, after Penalty for keeping private drain, &c. in improper state. warning from the Magistrate, to keep the same in a proper state, shall be liable to a fine not exceeding fifty rupees.

**XL.** Whoever bathes in any public tank, the water of which shall have been declared by the Magistrate to be appropriated to the domestic use of the inhabitants; or Fouling water by bathing. washes, or causes to be washed therein, any horse, dog, or other animal, or any wool, cloth, or wearing apparel, or any utensils for Washing. cooking or other purposes, or leather, or the skin of any animal, or other foul or offensive thing; or throws, Throwing rubbish, &c. puts, or casts, or causes to enter therein, any animal, or any gravel, stone, dust, or rubbish, or any dirt, filth, or other noisome or offensive matter or thing; or causes or suffers to run, drain, or to be brought thereunto, the water of any sink, sewer, drain, engine, or boiler, or any other unwholesome or offensive liquid matter or thing, belonging to him or flowing from any house or building or from any ground occupied by him; or does any thing whatsoever whereby any such water shall be in any degree fouled or corrupted—shall be liable to a fine not exceeding fifty rupees.

**XLI.** When any tank or other excavation containing waste or stagnant water, the same being within any private enclosure appears to the Magistrate Power to fill up unwholesome tanks on private premises. to be injurious to health, or to be offensive to the neighbourhood, it shall be lawful for the Magistrate to require, by notice in writing, the owner of the premises to cleanse or fill up such tank or excavation; and if he do not begin to

cleanse or fill up the same within one week after such notice and do not complete such work with due diligence, the Magistrate, his officers and workmen may enter into the said premises and do all necessary acts for the purpose aforesaid as he shall think fit; and the expense incurred thereby shall be paid by the owner of such premises, and shall be recoverable as hereinafter provided.

**XLII.** The Magistrate may, from time to time as he shall see fit, drain off into any sewers, and cleanse and fill up or otherwise abate, any stagnant pool, ditch, tank, pond, or other receptacle of water (the same not being within any private enclosure) which shall appear to him to be useless or unnecessary; or likely to prove injurious to the health of the inhabitants, whether the same be the private property of any person or otherwise.

**XLIII.** No person intending to build, or take down, alter, or repair any building, shall deposit any building materials, or make a hole in any street, without the permission of the Magistrate; and when such permission is granted to any person, he shall, at his own expense, cause such materials or such hole to be sufficiently fenced and enclosed until the materials are removed, or the hole is filled up or otherwise made secure; and shall cause the same to be sufficiently lighted during the night; and whoever deposits materials or makes a hole without such permission, or fails to fence or enclose and light such materials or hole, or does not remove such materials or fill up such when the permission has been withdrawn, shall be liable to a fine not exceeding fifty rupees, and a further fine not exceeding fifty rupees for every day while the offence is continued after twenty-four hours' notice from the Magistrate. •

**XLIV.** If any building, tank, well, or hole, or other place, be, for want of sufficient repair, protection, or enclosure, dangerous to passengers, the Magistrate shall cause the same to be repaired, protected, or enclosed, so as to prevent danger therefrom; and the expenses of such repair, protection, or enclosure, shall be paid by the owner of the property so repaired, protected, or enclosed, and shall be recoverable as hereinafter provided.

Power to drain off and cleanse stagnant pools in open places.

Penalty for not having deposits of building materials or excavations.

Dangerous places near streets to be repaired or enclosed.

**XLV.** No place, which is not used as a slaughter-house at the time of the passing of this Act, shall be so used without a license in writing from the Magistrate; and whoever uses as a slaughter-house any place not so used at the time of the passing of this Act, without such license, shall be liable to a fine not exceeding one hundred rupees, and a fine not exceeding fifty rupees for every day after the conviction for such offence during which the said offence is continued.

Penalty for establishing a slaughter-house without license after passing of Act.

**XLVI.** Every owner or occupier of any slaughter-house, or of any market or shop for the sale of butcher's meat, fish or vegetables, shall keep the same in a cleanly and proper state, and shall admit at all reasonable hours any person authorised by the Magistrate to enter and inspect the same; and the owner or occupier of any such slaughter-house, market, or shop, which shall not be kept in a cleanly and proper state, shall be liable for every default to a fine not exceeding twenty rupees.

Penalty for keeping slaughter house in improper state.

**XLVII.** Within the limits which shall be prescribed for the purposes of this section by the Lieutenant Governor of Bengal, no place shall be newly used, except under license from the Magistrate, for any of the following purposes; namely, for melting tallow—or for boiling offal or blood—or as a soap house—oil-boiling house—dyeing house—tannery—brick, pottery, or lime kiln—sago manufactory—or other manufactory or place of business from which offensive or unwholesome smells arise—or as a yard or depot for hay, straw, wood, or coal; and whoever, without a license, uses any such place for such purpose, shall be liable to a fine not exceeding two hundred rupees, and a fine not exceeding fifty rupees for every day after the conviction for such offence during which the said offence is continued.

Penalty for establishing offensive and dangerous trades within certain limits.

**XLVIII.** No burial or burning ground, whether public or private, shall be made or formed, after the passing of this Act, otherwise than by or under the authority of the Lieutenant Governor of Bengal, without a license from the Magistrate; and whoever shall bury or burn, or cause, permit, or suffer to be buried, or burned, any corpse in any burial or

No burial or burning place henceforth to be constructed without leave of Magistrate.

burning ground, made or formed without such license, shall be liable to a fine not exceeding two hundred rupees.

**XLIX.** If, upon the evidence of competent persons, it shall appear to the Magistrate that any burial or burning ground is in such a state as to be dangerous to the health of persons living in the neighbourhood thereof, and also that a convenient place for interment or burning, as the case may be, exists within a convenient distance and is available, the Magistrate, with the sanction of the Lieutenant Governor of Bengal previously obtained, may, by notification to be affixed on some conspicuous part of the ground, appoint a time, not being less than two months, for the closing of such burial or burning ground; and whoever, after the time so appointed, buries or burns, or causes or permits to be buried or burned, any corpse therein, shall be liable to a fine not exceeding one hundred rupees.

**L.** It shall be lawful for the Magistrate, by order in writing to be affixed at the principal police stations and also to be published in some public newspaper, to appoint from time to time certain periods within which any dogs found straying in the streets or beyond the enclosures of the owners of such dogs, may be destroyed.

**LI.** Any police officer may arrest without a warrant any person committing in his view any offence against this Act, if the name and address of such person be unknown to him.

**LII.** Any police officer may take into custody, without a warrant, any person who is charged with committing an aggravated assault, in every case in which he shall have good reason to believe that such assault has been committed, although not in his view, and that, by reason of the recent commission of the offence, a warrant could not have been obtained for the apprehension of the offender.

**LIII.** Every person taken into custody without a warrant by a police officer under this Act shall be taken to the nearest police office, in order that such

rant may be detained in police office until brought before Magistrate or bailed.

person may be detained until he can be brought before the Magistrate, or until he shall enter into recognizances, with or without sureties, for his appearance before the Magistrate. Any person so detained and not entering into recognizances shall be carried before the Magistrate within twenty-four hours from the time of his being taken into custody.

LIV. Upon any information or complaint laid before the Magistrate of any offence committed against this Act, the Magistrate may summon the person charged to appear at a time to be mentioned in the summons, or if he see sufficient cause for so doing, may issue a warrant for his apprehension. The provisions of the general Regulations of the Bengal Code and Acts of the Government of India for the time being in force relative to the issue and service of summonses and warrants, to the summons, attendance, and examination of witnesses, and generally to the trial of cases, to the recovery of fines and penalties, and to appeals against orders and sentences passed by a Magistrate, shall be applicable to all cases under this Act. Provided that, in all cases of offences punishable with fine only, if after due service of summons the person charged shall not appear in pursuance thereof, the Magistrate, at his discretion, may hear and determine the case in his absence. Provided also, that no appeal shall lie from any order of a Magistrate passed, with the sanction of the Lieutenant Governor of Bengal, under section XLIX. of this Act.

LV. In all cases where any costs or expenses are by this Act directed to be paid, the amount of the same shall be ascertained and determined by the Magistrate, and the Magistrate may, for the purpose, summon the parties and examine them and the witnesses on their behalf; and such amount, together with the costs of the enquiry, shall be recoverable in the same manner as fines may be recovered.

LVI. Any Joint Magistrate or Deputy Magistrate duly authorised to exercise the powers of a Magistrate, and any assistant vested with special powers, may, in cases referred to him by the Magistrate, exercise all the powers vested in a Magistrate by this Act.

**LVII.** All fines imposed and levied under this Act shall be applied in aid of any fund applicable to Police and Conservancy purposes in the said suburbs or station; and all costs and expenses which the Magistrate is hereby authorised to incur, shall be paid from and repaid to such fund; or if there be no such fund, all such fines as afore-aid shall be applied by the Magistrate to the cleansing or otherwise improving of the said suburbs or station.

**LVIII.** With respect to all matters expressly provided for by this Act and within the limits subject to the same, the provisions of this Act shall be held to supersede the provisions of Act XXI. of 1841.

**LIX.** In the construction of this Act, words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number; words importing the masculine gender shall include females.

## SCHEDULE

*Of Places included in the suburbs of Calcutta and station of Howrah.*

### SUBURBS OF CALCUTTA.

The Villages composing the Government Estate of Punchanogram and all lands belonging to any other estate which are situate within the general limits of the said Government Estate.

Garden Reach or Moocheekhola. Ramnugger. Singeratee. Indree. Sonaie. Borrberiah. Rajahrampoor. Bhookylas. Dukhin Sherepoor. Kidderpoor. Bykantpoor. Adee Gunga Chur. Ramchunderpoor. Ekbalpoor. Mominpoor. Balrampoor. Alleepoor. Jeeraut. Radhanuggur. Gopalnuggur. Doorgapoor. Chetlah. Jarool. Dowlutpoor. Sonadanga. Manjrat. Moya-poor. Shurhurpoor.

### STATION OF HOWRAH.

Howrah, (including) Punchanuntolla. Jolapara. Chandmarry (with Tandal Bagan.) North Bettra. South Bettra. Ichapoor. Saumpoor. Gholadanga. Ramkistpoor. Khorut

(with Kasondia.) Chuckerbair. Santragatchee. Sathghurra. Godār Hat (with Kinkur Chatterjea's Hāt) Battore. Seebpore (with Baje Seebpore, Majairhat, Bhurpara, Battatolla, Sree-hurrynowpara, Bishop's College, and Company's Botanical Garden.) Puddopookhur. South Baxara. North Baxara. Sulkeah, including Bandaghat (with Hurrogunge and Banerjeaparah.) Ghosery (with Bhat Bagan) Malipanchghura. Barrackpore. Belloore. Nukhsah. Chuckpara. Nellooah. Belgatchia (with Paikan Belgatchia.) Bamungutchee. Chowrasta (with Dhurmtolla, Goghatta, and Baboodanga.) Golabarry (with Pheelkhana.)

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### THE BOMBAY UNIVERSITY.

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#### ACT NO. XXII. OF 1857.

[Passed on the 18th July, 1857.]

*Recites expediency of establishing and incorporating an University at Bombay for the purpose of encouraging all classes in pursuit of a regular education and of ascertaining those who have acquired proficiency, and of marking such proficiency by Academical Degrees and other proportionate marks of honor.*

1. *Appoints the first Chancellor, Vice Chancellor and Fellows; and constitutes and declares them a Body Politic, with perpetual succession and a common seal, by the name of the University of Bombay, by which name they are required to sue and be sued.*

2. *Grants power to the University to hold and dispose of property.*

3. *Regulates the constitution of the University and of its Senate, and provides that any member leaving India permanently shall vacate his office.*

4. *The Chancellor to be the Governor of Bombay for the time being.*

5. *The office of Vice Chancellor to be held only for three years, and vacancies in it to be filled up by the Governor from among the Fellows—with power to re-appoint the previous holder of the office.*

6. *The ex-officio Fellows to be the Chief Justice of Bombay, the Bishop of Bombay, the Members of Council, the Director of Public Instruction, the Educational Inspector of the Presidency Division, and Principals of Government Colleges for the time being. The whole number of Fellows to be never less than 26, exclusive of the Chancellor and Vice Chancellor, and to be kept up to that number by nominations on vacancies by the Governor, who may also nominate more than 26 persons.*

7. *Governor in Council may cancel the appointment of a Fellow by notification in the Gazette.*

8. *The Chancellor, Vice Chancellor and Fellows to have the entire management of the affairs and property of the University, with full power to make and*

*alter bye-laws, on all matters whatever regarding the University; such bye-laws however not to be binding till approved by the Governor in Council, reduced into writing and sealed with the common seal.*

9. *At meetings of the Senate, six Fellows to be a quorum; the majority of votes to decide, the Chairman to be the Chancellor or Vice Chancellor or chosen by the majority of Fellows present, and to have a vote and a casting vote.*

10. *Chancellor, Vice Chancellor and Fellows may appoint and remove all Exam'gers, Officers and Servants.*

11. *Regulates the conferring of Degrees and of marks of honor after examination and in accordance with the bye-laws laid down from time to time.*

12. *Candidates for Degrees not to be admitted without a certificate from an authorised Institution of having completed the course of instruction prescribed in the bye laws.*

13. *Examinations for Degrees to be held at least once a year, and Examiner and subjects of examination to be appointed by the University for every such occasion.*

14. *Regulates the grant of Degrees,*

15. *The University, subject to the approbation of the Governor in Council may charge fees for Degrees, and for admission into and continuance in the University, such fees to be carried to a General Fee Fund and to be annually accounted for.*

An Act to establish and incorporate an University at Bombay.

Whereas, for the better encouragement of Her Majesty's

Preamble. subjects of all classes and denominations within the Presidency of Bombay and other

parts of India in the pursuit of a regular and liberal course of education, it has been determined to establish an University at Bombay for the purpose of ascertaining, by means of examination, the persons who have acquired proficiency in different branches of Literature, Science, and Art, and of rewarding them by Academical Degrees as evidence of their respective attainments, and marks of honor proportioned thereunto; and whereas, for effectuating the purposes aforesaid, it is expedient that such University should be incorporated: It is enacted as follows: (that is to say)—

Incorporation. I. The following persons, namely,

The Right Honorable JOHN, LORD ELPHINSTONE,  
Governor of Bombay.

The Honorable Sir WILLIAM YARDLEY, Knight, Chief Justice  
of the Supreme Court of Judicature at Bombay.



The ~~Right~~ Reverend JOHN HARDING, Doctor of Divinity,  
Bishop of Bombay, *Ex-officio*.

The Honorable SIR HENRY SOMERSET, Lieutenant-General,  
Knight Companion of the Most Honorable Order of the Bath,  
Commander-in-Chief of the Forces in Bombay, *Ex-officio*.

The Honorable JAMES GRANT LUMSDEN,  
Member of the Council of Bombay, *Ex-officio*

The Honorable ARTHUR MALET,  
Member of the Council of Bombay, *Ex-officio*.

EDWARD IRVINE HOWARD, Esquire,  
Director of Public Instruction, *Ex-officio*.

ROBERT HAINES, Esquire, M. D.,  
Acting Educational Inspector, Presidency Division, *Ex officio*

C. MOREHEAD, Esquire, M. D.  
Principal of the Grant Medical College, *Ex-officio*.

JOHN HARKNESS, Esquire. LL. D.,  
Principal of the Elphinstone College, *Ex officio*.

The Reverend JAMES McDUGALL,  
Acting Principal of the Poona College, *Ex officio*.

PHILIP WILLIAM LE-GEY, Esquire,  
Member of the Legislative Council of India.

The Honorable SIR MATTHEW RICHARD SAUSSUR, Knight,  
Puisne Judge of the Supreme Court of Judicature at Bombay.

SIR JAMSETJEE JEEJEEBHROY, Knight.

METCALFE LARKEN, Esquire,  
Judge of the Sudder Court in Bombay, and President of the  
late Board of Education.

JUGGONATH SUNKERSETT, Esquire,  
Member of the late Board of Education.

ROMANJEE HORMOSJEE, Esquire,  
Member of the late Board of Education.

BHAO DAS, Esquire,  
Graduate of the Grant Medical College,  
Member of the late Board of Education.





